

BILL ANALYSIS

Senate Research Center
86R34297 SLB-F

C.S.H.B. 1053
By: Guillen (Lucio)
Transportation
5/17/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

It has been expressed by Willacy County Navigation District that certain notice and bidding requirements for the disposition of interests in real property by a navigation district are burdensome and unnecessary. Such interests are generally not desired by the general public and are of concern only to a few entities. H.B. 1053 allows the districts to sell, exchange, or lease the real property within their districts without certain notice and bidding requirements to boost economic development. The district may impose restrictions on the development, use, and transfer of any real property or interest in real property in connection with its sale or exchange. Lastly, it allows the district to grant easements over, on, or under its real property on terms and conditions the commission determines to be advantageous to the district. (Original Author's/Sponsor's Statement of Intent)

C.S.H.B. 1053 amends current law relating to the disposition of real property interests by the Willacy County Navigation District.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953, by adding Section 11, as follows:

Sec. 11. (a) Authorizes the Willacy County Navigation District (district) to sell, exchange, or lease real property or any interest in real property owned by it, whether the real property was acquired by gift or purchase, in settlement of any litigation, controversy, or claim in behalf of the district, or in any other manner, except that lands or flats heretofore purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, is authorized to be sold only to the State of Texas or exchanged with the State of Texas for other lands or exchanged for adjacent littoral land as authorized by Section 61.117 (Limitations on Sale and Use of State Lands and Flats), Water Code. Authorizes the district to impose restrictions on the development, use, and transfer of any real property or interest in real property, other than lands or flats purchased from the State of Texas under former Article 8225, Revised Civil Statutes of Texas, 1925, or granted by the State of Texas in any general or special act, in connection with its sale or exchange under this section.

(b) Requires the board of navigation and canal commissioners of the district (board), except as provided by Subsection (d) of this section, before the district is authorized to sell or exchange real property, to determine by resolution that the land is no longer needed for use by the district in connection with the development of a navigation project.

(c) Requires a sale or exchange of real property, except as provided by Subsection (d), (e), or (f) of this section, to be made as provided by Sections 60.040

(Publication of Notice For Sales, Easements, and Leases in Excess of 50 Years)–60.042 (Award and Execution of Deed or Lease in Excess of 50 Years), Water Code.

(d) Authorizes the district to donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to promote a public purpose related to the development of the district. Requires the district to determine the terms and conditions of the transaction so as to achieve the public purpose.

(e) Authorizes the district to donate, exchange, convey, sell, or lease a real property interest under Subsection (d) of this section for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040–60.042, Water Code.

(f) Authorizes narrow strips of real property resulting from boundary or surveying conflicts or similar causes, or from insubstantial encroachments by abutting real property owners, or real property of larger configuration that has been subject to encroachments by abutting real property owners for more than 25 years to be abandoned, released, exchanged, or transferred to such abutting owners on terms and conditions considered appropriate or advantageous to the district. Authorizes the district to convey real property under this subsection for less than its fair market value and without complying with the notice and bidding requirements of Sections 60.040–60.042, Water Code.

(g) Authorizes the district to grant easements over or on its real property on terms and conditions the board determines to be advantageous to the district.

(h) Provides that the authority granted to the district by this section to dispose of interests in real property is in addition to any authority granted by Chapter 272 (Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments), Local Government Code, and a disposition of an interest in real property under this section is exempt from the notice, bidding, and other requirements of Chapter 272, Local Government Code.

SECTION 2. Effective date: upon passage or September 1, 2019.