

BILL ANALYSIS

C.S.H.B. 1053
By: Guillen
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been noted that certain notice and bidding requirements for the disposition of interests in real property by a navigation district are burdensome and unnecessary as such interests are generally not desired by the general public and are of concern only to a few entities. C.S.H.B. 1053 seeks to address this issue by setting out provisions relating to the disposition of real property interests by the Willacy County Navigation District.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1053 amends Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953, to authorize the Willacy County Navigation District to sell, exchange, or lease real property or any interest in real property owned by it, except that lands or flats heretofore purchased from the state under certain former provisions or granted by the state in any general or special act may be sold only to the state or exchanged with the state for other lands or exchanged for adjacent littoral land as authorized by certain statutory provisions. The bill authorizes the district to impose restrictions on the development, use, and transfer of any real property or interest in real property in connection with its sale or exchange under the bill's provisions.

C.S.H.B. 1053 requires the district's board of navigation and canal commissioners, before the district may sell or exchange real property and except as otherwise provided by the bill, 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. The bill requires a sale or exchange of real property to be made as provided by certain statutory general navigation district provisions except as otherwise provided by the bill.

C.S.H.B. 1053 authorizes the district to donate, exchange, convey, sell, or lease land, improvements, easements, or any other interests in real property to an electric utility or a telecommunications utility to promote a public purpose related to the development of the district. The bill requires the district to determine the terms and conditions of the transaction so as to achieve the public purpose and be consistent with the requirements of the Public Utility Regulatory Act. The bill authorizes the district to donate, exchange, convey, sell, or lease such a real property interest for less than its fair market value and without complying with certain notice and bidding requirements.

C.S.H.B. 1053 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. The bill authorizes the district to convey the real property for less than its fair market value and without complying with certain notice and bidding requirements.

C.S.H.B. 1053 authorizes the district to grant easements over, on, or under its real property on terms and conditions the district's board of navigation and canal commissioners determines to be advantageous to the district. The bill establishes that the authority granted to the district by the bill's provisions to dispose of interests in real property is in addition to any authority granted by Local Government Code provisions relating to the sale or lease of property by municipalities, counties, and certain other local governments and that a disposition of an interest in real property under the bill's provisions is exempt from the notice, bidding, and other requirements of such Local Government Code provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1053 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute replaces revised general navigation district provisions relating to the sale or lease of land generally with the substance of those provisions, but applicable only to the Willacy County Navigation District.