

SUBJECT: Authorizing property transfers for the Willacy County Navigation District

COMMITTEE: Transportation — committee substitute recommended

VOTE: 9 ayes — Canales, Landgraf, Goldman, Krause, Leman, Martinez, Ortega, Raney, E. Thompson

0 nays

4 absent — Bernal, Y. Davis, Hefner, Thierry

WITNESSES: For — Lisa Halili, Prestige Oysters

Against — None

BACKGROUND: Chapter 404, Acts of the 53rd Legislature, Regular Session, 1953 establishes the Willacy County Navigation District to aid in navigation, flood control, or improvement of water courses in the district.

Some have questioned the necessity of certain notice and bidding requirements placed on the Willacy County Navigation District for the disposition of interests in real property.

DIGEST: CSHB 1053 would authorize the Willacy County Navigation District to sell, exchange, or lease real property or any interest in real property owned by it. Lands purchased previously from the state under certain former provisions or granted by the state in any general or special act could be sold only to the state or exchanged with the state for other lands or exchanged for adjacent littoral land as authorized under the Water Code. The district could 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.

The bill would require the district's board of navigation and canal commissioners to determine by resolution that a piece of property was no longer needed by the district in connection with the development of a

navigation project prior to the sale or exchange of that property.

CSHB 1053 would authorize 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 district would be required to determine the terms and conditions of the transaction so as to achieve the public purpose and to be consistent with the requirements of the Public Utility Regulatory Act. The bill would authorize the district to donate, exchange, convey, sell, or lease such land for less than its fair market value and without complying with the notice and bidding requirements for navigation districts in the Water Code.

CSHB 1053 would authorize the district to abandon 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 that has been subject to encroachments by abutting property owners for more than 25 years. The district would be authorized to abandon, release, exchange, or transfer such property to these abutting owners on terms and conditions considered appropriate or advantageous to the district. The district could convey the real property for less than its fair market value and without complying with notice and bidding requirements.

The bill would authorize the district to grant easements over, on, or under its real property on terms and conditions the district's board of navigators and canal commissioners determine to be advantageous to the district. In addition, the bill would exempt the district from the notice, bidding, and other requirements of Local Government Code ch. 272 governing the sale or lease of property by municipalities, counties, and other local governments.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.