

By: Hayes

H.B. No. 2906

A BILL TO BE ENTITLED

AN ACT

relating to the expenses and fees awarded to a property owner in certain eminent domain proceedings.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 21.047(a) and (d), Property Code, are amended to read as follows:

(a) Special commissioners may adjudge the costs of an eminent domain proceeding against any party. If the commissioners award greater damages than the condemnor offered to pay before the proceedings began or if the decision of the commissioners is appealed and a court awards greater damages than the commissioners awarded, the condemnor shall pay all costs, expenses, and fees incurred by the property owner. If the commissioners' award or the court's determination of the damages is less than or equal to the amount the condemnor offered before proceedings began, the property owner shall pay the costs.

(d) If a court hearing a suit under this chapter determines that a condemnor did not make a bona fide offer to acquire the property from the property owner voluntarily as required by Section 21.0113, the court shall abate the suit, order the condemnor to make a bona fide offer, and order the condemnor to pay:

(1) all costs, expenses, and fees incurred by the property owner as provided by Subsection (a); and

(2) any reasonable attorney's fees and other

1 professional fees incurred by the property owner that are directly  
2 related to the violation.

3 SECTION 2. Section [21.047](#), Property Code, as amended by  
4 this Act, applies only to an eminent domain proceeding commenced on  
5 or after the effective date of this Act. An eminent domain  
6 proceeding commenced before the effective date of this Act is  
7 governed by the law applicable to the proceeding immediately before  
8 the effective date of this Act, and that law is continued in effect  
9 for that purpose.

10 SECTION 3. This Act takes effect September 1, 2023.