

By: Coleman

H.B. No. 60

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the exercise of eminent domain authority or purchase of
3 certain real property by certain nonprofit charitable
4 corporations.

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

6 SECTION 1. This Act may be cited as the Neighborhood
7 Protection Act.

8 SECTION 2. The heading to Chapter 178, Acts of the 56th
9 Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's
10 Texas Civil Statutes), is amended to read as follows:

11 Art. 3183b-1. EMINENT DOMAIN AND PURCHASE OF CERTAIN REAL
12 PROPERTY BY CERTAIN NONPROFIT CHARITABLE CORPORATIONS

13 SECTION 3. Chapter 178, Acts of the 56th Legislature,
14 Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil
15 Statutes), is amended by adding Section 3A to read as follows:

16 Sec. 3A. Notwithstanding Section 2 or 3 of this Act or
17 Section 11.23(j-1), Tax Code, a charitable corporation to which
18 this Act applies may exercise the power of eminent domain granted by
19 this Act to acquire real property for an ancillary or service
20 activity described by Section 2 or 3 of this Act only if the
21 ancillary or service activity:

22 (1) is first undertaken in direct support of a
23 medical, teaching, or research facility, regardless of whether the
24 facility is completed or under construction or renovation, that the

1 ancillary or service activity supports;

2 (2) furthers the purpose of medical care, teaching, or
3 research for the public welfare; and

4 (3) is not solely or primarily undertaken for the
5 purpose of economic development.

6 SECTION 4. Section 6, Chapter 178, Acts of the 56th
7 Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's
8 Texas Civil Statutes), is amended to read as follows:

9 Sec. 6. (a) Except as provided by Subsection (b) of this
10 section, the [The] power of eminent domain granted by this Act shall
11 be exercised in accordance with Chapter 21, Property Code [the
12 procedure, conditions, and provisions as prescribed in Title 52,
13 Revised Civil Statutes of Texas, 1925, as amended].

14 (b) If a charitable corporation to which this Act applies
15 seeks to acquire any real property by condemnation or seeks to
16 purchase any real property that the corporation intends to use in a
17 manner that would not comply with any deed restriction that applies
18 to the property immediately before the purchase, before the
19 charitable corporation initiates condemnation proceedings or
20 records the deed conveying title to the property the charitable
21 corporation shall hold a public hearing on the proposed acquisition
22 or purchase at which public testimony regarding the proposed
23 acquisition or purchase is allowed. The hearing must be held at a
24 location not more than three miles from the property. Not later
25 than the 30th day before the date of the hearing, the charitable
26 corporation shall, in addition to providing any other notice
27 required by law:

1 (1) provide notice by registered or certified mail to:

2 (A) the state senator and state representative
3 who represent each district in which all or part of the property is
4 located;

5 (B) the mayor and each member of the governing
6 body of each municipality in which all or part of the property is
7 located; and

8 (C) the owner of record of each unit of real
9 property:

10 (i) that the charitable corporation seeks
11 to acquire or purchase; or

12 (ii) that is not more than 200 feet from any
13 boundary of any unit of real property the charitable corporation
14 seeks to acquire or purchase; and

15 (2) publish, in one or more newspapers of general
16 circulation in each county in which all or part of the property is
17 located, notice that includes:

18 (A) the time, date, and location of the hearing;

19 (B) the address of each unit of real property
20 under consideration; and

21 (C) the proposed use of the property.

22 SECTION 5. Chapter 178, Acts of the 56th Legislature,
23 Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil
24 Statutes), is amended by adding Section 7 to read as follows:

25 Sec. 7. With respect to all records and information
26 relating to the exercise of the power of eminent domain under this
27 Act, a charitable corporation to which this Act applies is subject

1 to the open records law, Chapter 552, Government Code, in the same
2 manner as a governmental body.

3 SECTION 6. The changes in law made by this Act to Chapter
4 178, Acts of the 56th Legislature, Regular Session, 1959 (Article
5 3183b-1, Vernon's Texas Civil Statutes), apply to the acquisition
6 of real property by eminent domain or the purchase of real property
7 on or after the effective date of this Act unless condemnation
8 proceedings are initiated or a deed conveying title to the property
9 is filed before the effective date of this Act, in which event the
10 acquisition or purchase is governed by the law in effect at the time
11 the proceedings are initiated or the deed is filed, and the former
12 law is continued in effect for that purpose. The changes in law
13 made by this Act to Chapter 178, Acts of the 56th Legislature,
14 Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil
15 Statutes), do not apply to acquisition of real property by eminent
16 domain or the purchase of real property before the effective date of
17 this Act.

18 SECTION 7. This Act takes effect immediately if it receives
19 a vote of two-thirds of all the members elected to each house, as
20 provided by Section 39, Article III, Texas Constitution. If this
21 Act does not receive the vote necessary for immediate effect, this
22 Act takes effect on the 91st day after the last day of the
23 legislative session.