

BILL ANALYSIS

C.S.H.B. 2537
By: Coleman
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Medical Center in Houston has recently exercised its power of condemnation to condemn deed restricted, residential properties for the purpose of building a parking garage for its employees. The move has received vigorous opposition from the affected neighborhoods who believe that the purposes for which their property has been taken could have been served by condemning other nearby available property rather than their residences. As a result, some have come to question why a non-profit, non-elected, non-governmental body should have the power to take such actions.

The purpose of C.S.H.B. 2537 is to repeal the Texas Medical Center's ability to take such actions in the future.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Repeals Chapter 178, Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes).

SECTION 2. Act prospective.

SECTION 3. Effective Date.

EFFECTIVE DATE

This Act takes effect September 1, 2005, or immediately if approved by two-thirds of all members elected to each house, as provided by Section 39, Article III, Texas Constitution.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Original makes several changes to Chapter 178, Acts of the 56th Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's Texas Civil Statutes),

States that the power of eminent domain granted by this Act, except as provided by Subsection (b) of this section, is to be exercised in accordance with Chapter 21, Property Code.

Requires certain charitable corporations seeking to acquire real property by condemnation to hold a public hearing at a location not more than three miles from the property.

Requires certain charitable corporations to notify certain government officials and the owner of record of each unit of real property that either the corporation seeks to acquire or is not more than 200 feet from any boundary of real property the corporation seeks to acquire not later than the 30th day before the public hearing.

Requires certain charitable corporations to publish notice and certain details pertinent to the public hearing in at least one newspaper in each county in which all or part of the property is located.

The Substitute simply repeals the provision granting the right of condemnation to certain entities, including the Texas Medical Center.