

By: Coleman

H.B. No. 2537

A BILL TO BE ENTITLED

AN ACT

relating to the exercise of eminent domain authority by certain nonprofit charitable corporations.

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

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

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

(b) If a charitable corporation to which this Act applies seeks to acquire any real property by condemnation, the charitable corporation shall hold a public hearing on the proposed acquisition at which public testimony regarding the proposed acquisition is allowed. The hearing must be held at a location not more than three miles from the property proposed to be condemned. Not later than the 30th day before the date of the hearing, the charitable corporation shall, in addition to providing any other notice required by law:

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

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

1 located;

2 (B) the mayor and each member of the governing
3 body of each municipality in which all or part of the property is
4 located; and

5 (C) the owner of record of each unit of real
6 property:

7 (i) that the charitable corporation seeks
8 to acquire; or

9 (ii) that is not more than 200 feet from any
10 boundary of any unit of real property the charitable corporation
11 seeks to acquire; and

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

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

16 (B) the address of each unit of real property
17 under consideration; and

18 (C) the proposed use of the property.

19 SECTION 2. The change in law made by this Act to Section 6,
20 Chapter 178, Acts of the 56th Legislature, Regular Session, 1959
21 (Article 3183b-1, Vernon's Texas Civil Statutes), applies to the
22 acquisition of real property by eminent domain on or after the
23 effective date of this Act unless a petition to initiate
24 condemnation proceedings against the property is filed before the
25 effective date of this Act, in which event the acquisition is
26 governed by the law in effect at the time the petition is filed, and
27 the former law is continued in effect for that purpose. The change

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1 in law made by this Act to Section 6, Chapter 178, Acts of the 56th
2 Legislature, Regular Session, 1959 (Article 3183b-1, Vernon's
3 Texas Civil Statutes), does not apply to acquisition of real
4 property by eminent domain before the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2005.