

BILL ANALYSIS

C.S.H.B. 389
By: Callegari
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Texas Woman's University currently has two, separate references granting it the power of eminent domain. One reference is in Chapter 127, Act of the 48th Legislature, Regular Session, 1943, which vests the Board of Regents of the Texas State College for Women of Texas with the power of eminent domain. Years later, the Texas State College for Women of Texas' name was changed to Texas Woman's University (TWU). Currently, the Education Code grants TWU's Board of Regents the same powers as the University of Texas System's Board of Regents, including the power of eminent domain. Given that TWU's contemporary statute grants its Board of Regents the power of eminent domain, the reference passed by the 48th Legislature is unnecessary. C.S.H.B. 389 repeals the Act passed by the 48th Legislature vesting the Board of regents of the Texas State College for Women of Texas with the power of eminent domain.

The bill further specifies that TWU's regents must abide by the eminent domain requirements of Chapter 21, Property Code, with certain exceptions. This change in statute does not grant the board of regents any new eminent domain powers; rather, this bill simply modernizes TWU's eminent domain and brings it in line with current state law.

RULEMAKING AUTHORITY

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

ANALYSIS

This bill amends the Education Code to provide the board of regents of Texas Woman's University with the power of eminent domain as prescribed in Chapter 21 of the Property Code, and exempts the board of regents from the bonding requirement provided by the Property Code. The bill also repeals Chapter 127, Acts of the 48th Legislature, Regular Session, 1943 vesting the Board of regents of the Texas State College for Women of Texas with the power of eminent domain. Lastly, the bill makes conforming changes.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute adds amending language to the Education Code providing the board of regents of Texas Woman's University with the power of eminent domain as prescribed by Chapter 21 of the Property Code. The substitute also adds an exemption from the bonding requirement provided by the Property Code.