

BILL ANALYSIS

Senate Research Center

H.B. 1495
By: Callegari et al. (Nichols)
State Affairs
5/16/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Current law requires limited disclosure regarding a property owners' rights during a condemnation proceeding. Although Chapter 21 (Eminent Domain), Property Code, requires certain notices and disclosure to property owners, current law does not require that these property owners be informed of their statutory and constitutional rights. Additionally, although judicial decisions have created additional protections for such property owners, this knowledge may not be readily understood by many landowners. Affected property owners may decide to hire legal counsel to advise them of their rights and options during a condemnation proceeding, but while such counsel may assist a property owner during a condemnation proceeding, this benefit is mitigated by the costs of attorney's fees and court costs.

H.B. 1495 requires landowners affected by potential condemnation to receive a written statement of their rights and options as provided by state law.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Authorizes this Act to be cited as the Landowner's Bill of Rights Act.

SECTION 2. Amends Subchapter B, Chapter 402, Government Code, by adding Section 402.031, as follows:

Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS STATEMENT. (a) Requires the attorney general to prepare a written statement that includes a bill of rights for a property owner whose real property may be acquired by a governmental or private entity through the use of the entity's eminent domain authority under Chapter 21 (Eminent Domain), Property Code, for transportation purposes.

(b) Requires the landowner's bill of rights to notify each property owner that he or she has certain rights as set forth in this subsection.

(c) Requires the statement to include certain language and information.

(d) Requires the office of the attorney general to write the statement in plain language designed to be easily understood by the average property owner and to make the statement available on the attorney general's Internet website.

SECTION 3. Amends Subchapter B, Chapter 21, Property Code, by adding Section 21.0112, as follows:

Sec. 21.0112. PROVISION OF LANDOWNER'S BILL OF RIGHTS STATEMENT REQUIRED. (a) Requires a governmental or private entity with eminent domain authority, before it begins negotiating with a property owner to acquire real property, to send by first-class mail or otherwise provide a landowner's bill of rights statement provided by Section 402.031, Government Code, to the last known address of the person

in whose name the property is listed on the most recent tax roll of any appropriate taxing unit authorized by law to levy property taxes against the property.

(b) Requires the statement to be printed in an easily readable font and type size and, if the entity is a governmental entity, to be made available on the Internet website of the entity if technologically feasible.

SECTION 4. Amends Section 21.012(b), Property Code, to require the condemnation petition, if applicable, to state that the entity provided the property owner with the landowner's bill of rights statement in accordance with Section 21.0112.

SECTION 5. Requires the office of the attorney general to prepare the landowner's bill of rights statement required by Section 402.031, Government Code, as added by this article, not later than August 31, 2007.

SECTION 6. Makes application of this article prospective.

SECTION 7. Effective date: September 1, 2007.