

By: Callegari

H.B. No. 390

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the eminent domain authority of The University of Texas
3 System.

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

5 SECTION 1. Section 65.33, Education Code, is amended to
6 read as follows:

7 Sec. 65.33. EMINENT DOMAIN. (a) The board has the power of
8 eminent domain to acquire for the use of the university system any
9 land that may be necessary and proper for carrying out its purposes
10 in the manner prescribed by Chapter 21, Property Code [~~in Title 52,~~
11 ~~Revised Civil Statutes of Texas, 1925, as amended~~].

12 (b) Whenever the board has been made trustees by a will,
13 instrument in writing, or otherwise of a trust for a scientific,
14 educational, philanthropic, or charitable purpose, or other trust
15 for a public purpose, it may act by a quorum of the board or a
16 majority of all members. Unless otherwise directed by the terms of
17 the will or instrument, as trustees the board may exercise for the
18 purpose of the trust the power of eminent domain and may condemn
19 land and other property as provided by Chapter 21, Property Code
20 [~~Title 52, Revised Civil Statutes of Texas, 1925, as amended~~].

21 (c) [~~In the event that the federal government awards the~~
22 ~~Super-conducting Super Collider Accelerator project to one or more~~
23 ~~institutions of higher education in the State of Texas, one of which~~
24 ~~is a component of The University of Texas System and/or The Texas A~~

1 ~~& M University System, and the governor with the advice of the~~
2 ~~Houston Area Research Center Board determines that the board of~~
3 ~~regents of The University of Texas System should select the site for~~
4 ~~the construction of this project on permanent university fund~~
5 ~~lands, the board shall use its best efforts to find a suitable site~~
6 ~~on permanent university fund lands. If the board determines that it~~
7 ~~is not feasible to locate the project wholly on permanent~~
8 ~~university fund lands and the legislature has appropriated funds~~
9 ~~for such purpose, the board may exercise the power of eminent domain~~
10 ~~to acquire, on behalf of the state, title and right-of-way~~
11 ~~easements in such land in addition to permanent university fund~~
12 ~~lands as the board may determine is necessary and appropriate for~~
13 ~~the project. If a component of both The University of Texas System~~
14 ~~and The Texas A & M University System are members of the consortium~~
15 ~~that is awarded the Super-conducting Super Collider Accelerator~~
16 ~~project, the board of regents of The University of Texas System~~
17 ~~shall not proceed to select a site and to exercise the power of~~
18 ~~eminent domain without a resolution of concurrence from the board~~
19 ~~of regents of The Texas A & M University System.~~

20 ~~[(d)]~~ The taking of the property is declared to be for the
21 use of the state. The board is ~~[shall]~~ not ~~[be]~~ required to deposit
22 a bond or the amount equal to the award of damages by the
23 commissioners as provided by Section 21.021, Property Code ~~[in~~
24 ~~Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925]~~.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.