

AN ACT

relating to a bill of rights for property owners whose property may be acquired by governmental or private entities through the use of eminent domain authority.

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

SECTION 1. This Act may be cited as the Landowner's Bill of Rights Act.

SECTION 2. Subchapter B, Chapter 402, Government Code, is amended by adding Section 402.031 to read as follows:

Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS STATEMENT. (a) The attorney general shall 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, Property Code.

(b) The landowner's bill of rights must notify each property owner that the property owner has the right to:

(1) notice of the proposed acquisition of the owner's property;

(2) a bona fide good faith effort to negotiate by the entity proposing to acquire the property;

(3) an assessment of damages to the owner that will result from the taking of the property;

(4) a hearing under Chapter 21, Property Code,

1 including a hearing on the assessment of damages; and

2 (5) an appeal of a judgment in a condemnation  
3 proceeding, including an appeal of an assessment of damages.

4 (c) The statement must include:

5 (1) the title, "Landowner's Bill of Rights"; and

6 (2) a description of:

7 (A) the condemnation procedure provided by  
8 Chapter 21, Property Code;

9 (B) the condemning entity's obligations to the  
10 property owner; and

11 (C) the property owner's options during a  
12 condemnation, including the property owner's right to object to and  
13 appeal an amount of damages awarded.

14 (d) The office of the attorney general shall:

15 (1) write the statement in plain language designed to  
16 be easily understood by the average property owner; and

17 (2) make the statement available on the attorney  
18 general's Internet website.

19 SECTION 3. Subchapter B, Chapter 21, Property Code, is  
20 amended by adding Section 21.0112 to read as follows:

21 Sec. 21.0112. PROVISION OF LANDOWNER'S BILL OF RIGHTS  
22 STATEMENT REQUIRED. (a) Before a governmental or private entity  
23 with eminent domain authority begins negotiating with a property  
24 owner to acquire real property, the entity must send by first-class  
25 mail or otherwise provide a landowner's bill of rights statement  
26 provided by Section 402.031, Government Code, to the last known  
27 address of the person in whose name the property is listed on the

1 most recent tax roll of any appropriate taxing unit authorized by  
2 law to levy property taxes against the property.

3 (b) The statement must be:

4 (1) printed in an easily readable font and type size;  
5 and

6 (2) if the entity is a governmental entity, made  
7 available on the Internet website of the entity if technologically  
8 feasible.

9 SECTION 4. Section 21.012(b), Property Code, is amended to  
10 read as follows:

11 (b) The petition must:

12 (1) describe the property to be condemned;

13 (2) state the purpose for which the entity intends to  
14 use the property;

15 (3) state the name of the owner of the property if the  
16 owner is known; ~~and~~

17 (4) state that the entity and the property owner are  
18 unable to agree on the damages; and

19 (5) if applicable, state that the entity provided the  
20 property owner with the landowner's bill of rights statement in  
21 accordance with Section 21.0112.

22 SECTION 5. The office of the attorney general shall prepare  
23 the landowner's bill of rights statement required by Section  
24 402.031, Government Code, as added by this Act, not later than  
25 January 31, 2008.

26 SECTION 6. The changes in law made by this Act apply only to  
27 a condemnation proceeding in which the petition is filed on or after

1 the effective date of this Act and to any property condemned through  
2 the proceeding. A condemnation proceeding in which the petition is  
3 filed before the effective date of this Act and any property  
4 condemned through the proceeding are governed by the law in effect  
5 immediately before that date, and that law is continued in effect  
6 for that purpose.

7 SECTION 7. This Act takes effect February 1, 2008.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 1495 was passed by the House on May 3, 2007, by the following vote: Yeas 139, Nays 0, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1495 on May 25, 2007, by the following vote: Yeas 141, Nays 0, 1 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 1495 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 30, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor