

By: Callegari, Flynn, Murphy, et al.

H.B. No. 1495

Substitute the following for H.B. No. 1495:

By: Orr

C.S.H.B. No. 1495

A BILL TO BE ENTITLED

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 or provide a
25 landowner's bill of rights statement provided by Section 402.031,
26 Government Code, to the person in whose name the property is listed
27 on the most recent tax roll of any appropriate taxing unit

1 authorized by law to levy property taxes against the property.

2 (b) The statement must be:

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

4 and

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

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

10 (b) The petition must:

11 (1) describe the property to be condemned;

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

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

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

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

21 SECTION 5. The office of the attorney general shall prepare
22 the landowner's bill of rights statement required by Section
23 402.031, Government Code, as added by this Act, not later than
24 August 31, 2007.

25 SECTION 6. The changes in law made by this Act apply only to
26 a condemnation proceeding in which the petition is filed on or after
27 the effective date of this Act and to any property condemned through

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

6 SECTION 7. This Act takes effect September 1, 2007.