

1-1 By: Callegari, et al. (Senate Sponsor - Nichols) H.B. No. 1495
1-2 (In the Senate - Received from the House May 4, 2007;
1-3 May 8, 2007, read first time and referred to Committee on State
1-4 Affairs; May 18, 2007, reported favorably by the following vote:
1-5 Yeas 6, Nays 0; May 18, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to a bill of rights for property owners whose property may
1-9 be acquired by governmental or private entities through the use of
1-10 eminent domain authority.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. This Act may be cited as the Landowner's Bill of
1-13 Rights Act.

1-14 SECTION 2. Subchapter B, Chapter 402, Government Code, is
1-15 amended by adding Section 402.031 to read as follows:

1-16 Sec. 402.031. PREPARATION OF LANDOWNER'S BILL OF RIGHTS
1-17 STATEMENT. (a) The attorney general shall prepare a written
1-18 statement that includes a bill of rights for a property owner whose
1-19 real property may be acquired by a governmental or private entity
1-20 through the use of the entity's eminent domain authority under
1-21 Chapter 21, Property Code.

1-22 (b) The landowner's bill of rights must notify each property
1-23 owner that the property owner has the right to:

1-24 (1) notice of the proposed acquisition of the owner's
1-25 property;

1-26 (2) a bona fide good faith effort to negotiate by the
1-27 entity proposing to acquire the property;

1-28 (3) an assessment of damages to the owner that will
1-29 result from the taking of the property;

1-30 (4) a hearing under Chapter 21, Property Code,
1-31 including a hearing on the assessment of damages; and

1-32 (5) an appeal of a judgment in a condemnation
1-33 proceeding, including an appeal of an assessment of damages.

1-34 (c) The statement must include:

1-35 (1) the title, "Landowner's Bill of Rights"; and

1-36 (2) a description of:

1-37 (A) the condemnation procedure provided by
1-38 Chapter 21, Property Code;

1-39 (B) the condemning entity's obligations to the
1-40 property owner; and

1-41 (C) the property owner's options during a
1-42 condemnation, including the property owner's right to object to and
1-43 appeal an amount of damages awarded.

1-44 (d) The office of the attorney general shall:

1-45 (1) write the statement in plain language designed to
1-46 be easily understood by the average property owner; and

1-47 (2) make the statement available on the attorney
1-48 general's Internet website.

1-49 SECTION 3. Subchapter B, Chapter 21, Property Code, is
1-50 amended by adding Section 21.0112 to read as follows:

1-51 Sec. 21.0112. PROVISION OF LANDOWNER'S BILL OF RIGHTS
1-52 STATEMENT REQUIRED. (a) Before a governmental or private entity
1-53 with eminent domain authority begins negotiating with a property
1-54 owner to acquire real property, the entity must send by first-class
1-55 mail or otherwise provide a landowner's bill of rights statement
1-56 provided by Section 402.031, Government Code, to the last known
1-57 address of the person in whose name the property is listed on the
1-58 most recent tax roll of any appropriate taxing unit authorized by
1-59 law to levy property taxes against the property.

1-60 (b) The statement must be:

1-61 (1) printed in an easily readable font and type size;
1-62 and

1-63 (2) if the entity is a governmental entity, made
1-64 available on the Internet website of the entity if technologically

2-1 feasible.

2-2 SECTION 4. Section 21.012(b), Property Code, is amended to
2-3 read as follows:

2-4 (b) The petition must:

2-5 (1) describe the property to be condemned;

2-6 (2) state the purpose for which the entity intends to
2-7 use the property;

2-8 (3) state the name of the owner of the property if the
2-9 owner is known; ~~and~~

2-10 (4) state that the entity and the property owner are
2-11 unable to agree on the damages; and

2-12 (5) if applicable, state that the entity provided the
2-13 property owner with the landowner's bill of rights statement in
2-14 accordance with Section 21.0112.

2-15 SECTION 5. The office of the attorney general shall prepare
2-16 the landowner's bill of rights statement required by Section
2-17 402.031, Government Code, as added by this Act, not later than
2-18 August 31, 2007.

2-19 SECTION 6. The changes in law made by this Act apply only to
2-20 a condemnation proceeding in which the petition is filed on or after
2-21 the effective date of this Act and to any property condemned through
2-22 the proceeding. A condemnation proceeding in which the petition is
2-23 filed before the effective date of this Act and any property
2-24 condemned through the proceeding are governed by the law in effect
2-25 immediately before that date, and that law is continued in effect
2-26 for that purpose.

2-27 SECTION 7. This Act takes effect September 1, 2007.

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