

By: King of Zavala

H.B. No. 3177

A BILL TO BE ENTITLED

AN ACT

relating to the eminent domain authority of certain school districts.

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

SECTION 1. Section 11.155, Education Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) An independent school district may, by the exercise of the right of eminent domain, acquire the fee simple title to real property for:

(1) the purpose of securing sites on which to construct school buildings; or

(2) except as provided by Subsection (a-1), ~~for~~ any other purpose necessary for the district.

(a-1) An independent school district may not, by the exercise of the right of eminent domain, acquire the fee simple title to real property on which to construct a major arterial street to provide access to a campus or proposed campus if the district is located wholly or partly in a county that:

(1) has a population of 175,000 or more;

(2) is within 50 miles of an international border; and

(3) contains the territory of not more than five independent school districts.

SECTION 2. The change in law made by Section 11.155(a-1),

1 Education Code, as added by this Act, applies to a cause of action
2 pending on the effective date of this Act, regardless of the date
3 the action was filed, and to a cause of action filed on or after the
4 effective date of this Act.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2007.