

SENATE AMENDMENTS

2nd Printing

By: Callegari, Flynn, Murphy, Crabb, et al.

H.B. No. 1495

A BILL TO BE ENTITLED

1

AN ACT

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

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

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

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

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

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

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

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

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

24 (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 August 31, 2007.

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 September 1, 2007.

Floor Amendment No. 1

By: *Rutha Hill*

1 Amend H.B. No. 1495 (Senate Committee Printing) as follows:

2 (1) In SECTION 5 of the bill, (page ~~3~~², line ~~25~~¹⁸), strike "August 31, 2007" and insert
3 January 31, 2008.

4 (2) In SECTION 7 of the bill, (page ~~4~~², line ~~7~~²⁷), strike "September 1, 2007" and insert
5 February 1, 2008.

ADOPTED

MAY 23 2007

Arlene Spaw
Secretary of the Senate

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LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

May 11, 2007

TO: Honorable Robert Duncan, Chair, Senate Committee on State Affairs

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1495 by Callegari (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.),
As Engrossed

No significant fiscal implication to the State is anticipated.

The bill would amend statute and require the Attorney General to prepare a written statement labeled "Landowner's Bill of Rights" to Landowners involved in the eminent domain process and make the statement available on the agency's website. It is assumed that any costs associated with implementing the provisions of the bill could be absorbed within existing state resources.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General

LBB Staff: JOB, WK, JM, KJG

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

March 25, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1495 by Callegari (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.),
Committee Report 1st House, Substituted

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LBB Staff: JOB, WK, JM, KJG

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 26, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB1495 by Callegari (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.),
As Introduced

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