

By: Burnam

H.B. No. 1534

A BILL TO BE ENTITLED

AN ACT

relating to the property valuation information required to be provided regarding property to be acquired by eminent domain.

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

SECTION 1. Sections 21.011 and 21.0111, Property Code, are amended to read as follows:

Sec. 21.011. STANDARD PROCEDURE. Exercise of the eminent domain authority in all cases is governed by Sections 21.0111 [~~21.012~~] through 21.016 [~~of this code~~].

Sec. 21.0111. [~~DISCLOSURE OF~~] INFORMATION REQUIRED TO BE PROVIDED. (a) This section applies only to:

(1) a governmental entity with eminent domain authority that acquires property for public use; and

(2) a person with eminent domain authority that produces, gathers, transports, distributes, or sells natural gas.

(a-1) A person to whom this section applies [~~A governmental entity with eminent domain authority~~] that wants to use eminent domain authority to acquire real property [~~for a public use~~] shall provide, by certified mail, return receipt requested, [disclose] to the property owner at the time an offer to purchase or lease the property is made a copy of any and all existing appraisal reports produced or acquired by the person [~~governmental entity~~] relating specifically to the owner's property and used in determining the final valuation offer.

1 (b) A property owner shall provide [~~disclose~~] to the  
2 acquiring person a copy of [~~governmental entity~~] any and all  
3 existing appraisal reports produced or acquired by the property  
4 owner relating specifically to the owner's property and used in  
5 determining the owner's opinion of value. The property owner [~~Such~~  
6 ~~disclosure~~] shall provide each copy [~~take place~~] within 10 days of  
7 receipt of appraisal reports but no later than 10 days prior to the  
8 special commissioner's hearing.

9 (c) The initial offer to purchase made by the acquiring  
10 person must also include:

11 (1) a copy of this section;

12 (2) a written estimate of:

13 (A) the fair market value of the property the  
14 acquiring person is offering to acquire or lease; and

15 (B) the amount of damages to the property owner's  
16 remaining property, if any, that will result from the acquisition  
17 or lease; and

18 (3) a statement that the property owner has a right to  
19 make a written request to the acquiring person for:

20 (A) an appraisal of the property, at the  
21 acquiring person's expense; and

22 (B) information described by Subsection (d)  
23 regarding transactions involving the acquiring person for property  
24 the acquiring person intends to use for a similar purpose.

25 (d) On a property owner's written request, the acquiring  
26 person shall disclose each appraisal report completed, offer to  
27 purchase or lease made, and negotiated purchase or lease price paid

1 by the acquiring person for property acquired or leased by the  
2 acquiring person:

3 (1) for a purpose related to the purpose for which the  
4 acquiring person seeks to acquire or lease the property owner's  
5 property; and

6 (2) that is adjacent to the property owner's property.

7 (e) A subsequent bona fide purchaser for value from the  
8 acquiring person [~~governmental entity~~] may conclusively presume  
9 that the requirement of this section has been met. This section  
10 does not apply to acquisitions of real property for which an  
11 acquiring person [~~a governmental entity~~] does not have eminent  
12 domain authority.

13 SECTION 2. This Act takes effect September 1, 2009.