

By: Murphy

H.B. No. 1062

A BILL TO BE ENTITLED

AN ACT

relating to the exercise of the power of eminent domain by certain local governmental entities.

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

SECTION 1. Section 11.155(a), Education Code, is amended 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 the purpose of securing sites~~] on which to construct school buildings or for any other public use [~~purpose~~] necessary for the district.

SECTION 2. Section 251.001(a), Local Government Code, is amended to read as follows:

(a) When the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use [~~purpose~~] to acquire public or private property, whether located inside or outside the municipality, for any of the following uses [~~purposes~~]:

(1) the providing, enlarging, or improving of a municipally owned city hall; police station; jail or other law enforcement detention facility; fire station; library; school or other educational facility; academy; auditorium; hospital; sanatorium; market house; slaughterhouse; warehouse; elevator; railroad terminal; airport; ferry; ferry landing; pier; wharf;

1 dock or other shipping facility; loading or unloading facility;
2 alley, street, or other roadway; park, playground, or other
3 recreational facility; square; water works system, including
4 reservoirs, other water supply sources, watersheds, and water
5 storage, drainage, treatment, distribution, transmission, and
6 emptying facilities; sewage system including sewage collection,
7 drainage, treatment, disposal, and emptying facilities; electric
8 or gas power system; cemetery; and crematory;

9 (2) the determining of riparian rights relative to the
10 municipal water works;

11 (3) the straightening or improving of the channel of
12 any stream, branch, or drain;

13 (4) the straightening, widening, or extending of any
14 alley, street, or other roadway; and

15 (5) [~~for~~] any other municipal public use [~~purpose~~] the
16 governing body considers advisable.

17 SECTION 3. Section 261.001(a), Local Government Code, is
18 amended to read as follows:

19 (a) A county may exercise the right of eminent domain to
20 condemn and acquire land, an easement in land, or a right-of-way if
21 the acquisition is necessary for the construction of a jail,
22 courthouse, hospital, or library, or for another public use
23 [~~purpose~~] authorized by law.

24 SECTION 4. Section 263.201(c), Local Government Code, is
25 amended to read as follows:

26 (c) The declaration of taking must contain:

27 (1) a declaration that the land or interest in land

1 described in the original petition is taken for a public use
2 [~~purpose~~] and for ultimate conveyance to the United States;

3 (2) a description of the land sufficient for the
4 identification of the land;

5 (3) a statement of the estate or interest in the land
6 being taken;

7 (4) a statement of the public use to be made of the
8 land;

9 (5) a plan showing the land being taken; and

10 (6) a statement of the amount of damages awarded by the
11 special commissioners, or by the jury on appeal, for the taking of
12 the land.

13 SECTION 5. Section 273.002, Local Government Code, is
14 amended to read as follows:

15 Sec. 273.002. CONDEMNATION. Condemnation of property under
16 this chapter shall be in accordance with state law relating to
17 eminent domain, which may be Chapter 21, Property Code, or any other
18 state law governing and relating to the condemnation of land for
19 public use [~~purposes~~] by a municipality.

20 SECTION 6. The changes in law made by Section 11.155,
21 Education Code, and Sections 251.001, 261.001, 263.201, and
22 273.002, Local Government Code, as amended by this Act, apply only
23 to a condemnation proceeding in which the petition is filed on or
24 after the effective date of this Act and to any property condemned
25 through the proceeding. A condemnation proceeding in which the
26 petition is filed before the effective date of this Act and any
27 property condemned through the proceeding are governed by the law

1 in effect immediately before that date, and that law is continued in
2 effect for that purpose.

3 SECTION 7. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect September 1, 2011.