

By: Callegari

H.B. No. 69

A BILL TO BE ENTITLED

1 AN ACT
2 relating to certain eminent domain authority and the suspension of
3 certain unreported eminent domain authority.

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

5 SECTION 1. The heading to Subchapter C, Chapter 2206,
6 Government Code, is amended to read as follows:

7 SUBCHAPTER C. REPORTING [~~EXPIRATION~~] OF CERTAIN EMINENT DOMAIN
8 AUTHORITY

9 SECTION 2. The heading to Section 2206.101, Government
10 Code, is amended to read as follows:

11 Sec. 2206.101. REPORT OF EMINENT DOMAIN AUTHORITY REQUIRED;
12 SUSPENSION [~~EXPIRATION~~] OF AUTHORITY.

13 SECTION 3. Section 2206.101(c), Government Code, is amended
14 to read as follows:

15 (c) An [~~The authority of an~~] entity that did not submit a
16 letter in accordance with Subsection (b) on or before the date
17 prescribed by that subsection may not [~~to~~] exercise the entity's
18 power of eminent domain before the 90th day after the date [~~expires~~
19 ~~on September 1, 2013, unless~~] the entity submits a letter to the
20 comptroller in accordance with the requirements of Subsection (b),
21 other than the requirement that the letter be submitted by a
22 specified date.

23 SECTION 4. Section 21.012, Property Code, is amended by
24 adding Subsections (d) and (e) to read as follows:

1 (d) In addition to the contents prescribed by Subsection
2 (b), a condemnation petition must state:

3 (1) that the entity filing the petition was created or
4 acquired the power of eminent domain on or after December 31, 2012,
5 as applicable; or

6 (2) for an entity that was created before December 31,
7 2012, and that acquired the power of eminent domain before that
8 date, the date on which the entity submitted a letter in accordance
9 with Section 2206.101, Government Code.

10 (e) If the petition states that the entity submitted a
11 letter in accordance with Section 2206.101, Government Code, after
12 December 31, 2012, and after the 91st day before the date the
13 petition was filed, the court shall abate the action until the 90th
14 day after the date the letter was submitted.

15 SECTION 5. Sections 2206.101(d) and (e), Government Code,
16 are repealed.

17 SECTION 6. (a) The changes in law made by this Act apply
18 only to a condemnation proceeding in which the petition is filed on
19 or after September 1, 2013, and to any property condemned through
20 the proceeding.

21 (b) Except as provided by this subsection, a condemnation
22 proceeding in which the petition is filed before September 1, 2013,
23 and any property condemned through the proceeding are governed by
24 the law as it existed immediately before the effective date of this
25 Act, and that law is continued in effect for that purpose. A
26 condemnation proceeding in which the petition is filed before
27 September 1, 2013, by an entity required to submit a letter under

1 Section 2206.101, Government Code, is not affected by Section
2 2206.101(c), Government Code, as it existed immediately before the
3 effective date of this Act.

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