

By: Callegari

H.B. No. 20

A BILL TO BE ENTITLED

AN ACT

relating to certain eminent domain authority and the expiration or suspension of certain unreported eminent domain authority.

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

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

SUBCHAPTER C. REPORTING AND EXPIRATION OR SUSPENSION OF CERTAIN  
EMINENT DOMAIN AUTHORITY

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

Sec. 2206.101. REPORT OF EMINENT DOMAIN AUTHORITY REQUIRED;  
EXPIRATION OR SUSPENSION OF AUTHORITY.

SECTION 3. Section 2206.101, Government Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), the ~~[The]~~ authority of an entity to exercise the entity's power of eminent domain expires on September 1, 2013, unless the entity submits a letter in accordance with Subsection (b).

(c-1) A municipal utility district that did not submit a letter in accordance with Subsection (b) on or before the date prescribed by that subsection may not exercise the entity's power of eminent domain before the 90th day after the date the entity submits a letter to the comptroller in accordance with the

1 requirements of Subsection (b), other than the requirement that the  
2 letter be submitted by a specified date.

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

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

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

10 (2) for an entity that was created before December 31,  
11 2012, and that acquired the power of eminent domain before that  
12 date, the date on which the entity submitted a letter in accordance  
13 with Section 2206.101, Government Code.

14 (e) If the petition of an entity that is subject to Section  
15 2206.101(c), Government Code, does not state that the entity  
16 submitted a letter in accordance with Section 2206.101, Government  
17 Code, on or before December 31, 2012, the court shall dismiss the  
18 action.

19 (f) If the petition of an entity that is subject to Section  
20 2206.101(c-1), Government Code, states that the entity submitted a  
21 letter in accordance with Section 2206.101, Government Code, after  
22 December 31, 2012, and after the 91st day before the date the  
23 petition was filed, the court shall abate the action until the 90th  
24 day after the date the letter was submitted.

25 SECTION 5. Sections 2206.101(d) and (e), Government Code,  
26 are repealed.

27 SECTION 6. (a) The changes in law made by this Act apply

1 only to a condemnation proceeding in which the petition is filed on  
2 or after September 1, 2013, and to any property condemned through  
3 the proceeding.

4 (b) Except as provided by this subsection, a condemnation  
5 proceeding in which the petition is filed before September 1, 2013,  
6 and any property condemned through the proceeding are governed by  
7 the law as it existed immediately before the effective date of this  
8 Act, and that law is continued in effect for that purpose. A  
9 condemnation proceeding in which the petition is filed before  
10 September 1, 2013, by an entity required to submit a letter under  
11 Section 2206.101, Government Code, is not affected by Section  
12 2206.101(c), Government Code, as it existed immediately before the  
13 effective date of this Act.

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