

By: Frank

H.B. No. 1250

Substitute the following for H.B. No. 1250:

By: Springer

C.S.H.B. No. 1250

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the initial use of certain property acquired for a
3 public use.

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

5 SECTION 1. Subchapter A, Chapter 2206, Government Code, is
6 amended by adding Section 2206.003 to read as follows:

7 Sec. 2206.003. INITIAL USE OF ACQUIRED PROPERTY. (a)

8 Except as provided by this section, a real property interest
9 acquired through eminent domain must initially be used for the
10 public use for which the property was acquired.

11 (b) For purposes of this section, a real property interest
12 is acquired through eminent domain if the property is purchased by
13 an entity with eminent domain authority in connection with an offer
14 under Section 21.0113, Property Code.

15 (c) This section does not apply to a real property interest
16 acquired for the production, gathering, treating, processing,
17 transportation, or distribution of oil, gas, or other petroleum
18 products.

19 (d) A real property interest acquired through eminent
20 domain may be initially used for a use other than the use for which
21 the property was acquired if:

22 (1) the entity that acquired the property through
23 eminent domain offers to sell the property to the original owner or
24 the owner's heirs, successors, or assigns at the price for which the

1 property was acquired, and the original owner or the owner's heirs,
2 successors, or assigns do not purchase the property on or before the
3 180th day after the date notice of the offer is given as prescribed
4 by Subsection (f);

5 (2) the entity makes a good faith effort to locate and
6 provide notice to the original owner or the owner's heirs,
7 successors, or assigns as prescribed by Subsection (f), and the
8 owner or the owner's heirs, successors, or assigns cannot be
9 located after one year; or

10 (3) the entity obtains a release from the original
11 owner or the owner's heirs, successors, or assigns declining the
12 offer to sell the property and allowing the property to be used for
13 a use other than the use for which the property was acquired.

14 (e) The entity may pay compensation to obtain a release
15 described by Subsection (d)(3).

16 (f) For purposes of giving notice of an offer under
17 Subsection (d), the entity shall send by certified mail, return
18 receipt requested, to the original owner or the owner's heirs,
19 successors, or assigns a notice containing:

20 (1) an identification, which is not required to be a
21 legal description, of the real property interest that was acquired;

22 (2) an identification of the public use for which the
23 property had been acquired and a statement that the entity wishes to
24 initially use the property for a use other than the one for which
25 the property was acquired;

26 (3) a description of the rights of the original owner
27 or the owner's heirs, successors, or assigns under this section to

1 repurchase the property or be paid for a release;

2 (4) the amount for which the original owner or the
3 owner's heirs, successors, or assigns may repurchase the property;

4 and

5 (5) if applicable, the terms of the release the entity
6 is seeking from the original owner or the owner's heirs,
7 successors, or assigns.

8 SECTION 2. Subchapter B, Chapter 21, Property Code, is
9 amended by adding Section 21.0114 to read as follows:

10 Sec. 21.0114. PUBLIC USE DISCLOSURE IN OFFER. (a) Except
11 as provided by this section, an entity with eminent domain
12 authority that makes an offer under Section 21.0113 must state with
13 specificity in the initial and final offers the public use for which
14 the entity intends to acquire the property.

15 (b) This section does not apply to an offer made for a real
16 property interest intended to be acquired for the production,
17 gathering, treating, processing, transportation, or distribution
18 of oil, gas, or other petroleum products.

19 SECTION 3. (a) Section 2206.003, Government Code, as added
20 by this Act, applies only to a repurchase of a real property
21 interest acquired through eminent domain with respect to which the
22 initial offer under Section 21.0113, Property Code, is made on or
23 after the effective date of this Act.

24 (b) Section 21.0114, Property Code, as added by this Act,
25 applies only to an offer under Section 21.0113, Property Code, with
26 respect to which the initial offer is made on or after the effective
27 date of this Act.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2013.