

By: Kolkhorst

S.B. No. 938

A BILL TO BE ENTITLED

AN ACT

relating to the exercise of eminent domain by a toll project entity.

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

SECTION 1. Subchapter A, Chapter 372, Transportation Code, is amended by adding Section 372.002 to read as follows:

Sec. 372.002. EMINENT DOMAIN REQUIREMENTS. (a) A toll project entity with eminent domain authority that makes an offer under Section 21.0113, Property Code, must state with specificity in the initial and final offers the public use for which the entity intends to acquire the property.

(b) A person from whom a real property interest is acquired by a toll project entity for a public purpose through eminent domain, including by purchase after an initial offer under Section 21.0113, Property Code, or that person's heirs, successors, or assigns, is entitled to repurchase the property under Subchapter E, Chapter 21, Property Code, if the initial use of the property is not the public use for which the property was acquired.

(c) Information provided by a toll project entity to a property owner under Section 21.023, Property Code, must also contain information regarding the right to repurchase property as described by Subsection (b).

(d) Not later than the 180th day after the date a toll project entity determines that a former property owner is entitled to repurchase the property as described by Subsection (b), the

1 entity shall send to the property owner or the owner's heirs,
2 successors, or assigns the notice under Section 21.102, Property
3 Code, that contains, in lieu of a statement under Section
4 21.102(2), Property Code, a statement that the initial use of the
5 property was not the public use for which the property was acquired.

6 (e) In addition to the requests for information described by
7 Section 21.1021(a), Property Code, a property owner whose property
8 was acquired by a toll project entity by eminent domain or the
9 owner's heirs, successors, or assigns may request that the entity
10 make a determination and provide a statement and other relevant
11 information regarding whether the initial use of the property was
12 the public use for which the property was acquired.

13 SECTION 2. Section 372.002, Transportation Code, as added
14 by this Act, applies only to a repurchase of a real property
15 interest condemned or otherwise purchased in connection with an
16 initial offer under Section 21.0113, Property Code, made on or
17 after the effective date of this Act.

18 SECTION 3. This Act takes effect September 1, 2015.