

By: Wilson

H.B. No. 4069

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a commissioners court to disapprove of certain condemnations.

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

SECTION 1. Section 21.018(a), Property Code, is amended to read as follows:

(a) A party to a condemnation proceeding may object to the findings of the special commissioners by filing a written statement of the objections and their grounds with the court that has jurisdiction of the proceeding or, if applicable, by filing a petition with the commissioners court under Section 21.0185. The statement must be filed on or before the first Monday following the 20th day after the day the commissioners file their findings with the court.

SECTION 2. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.0185 to read as follows:

Sec. 21.0185. PETITION FOR DISAPPROVAL OF CERTAIN CONDEMNATIONS. (a) This section applies only to the condemnation of property by:

(1) a governmental entity exercising its eminent domain authority if:

(A) the entity is a political subdivision;

(B) the governing body of the entity is elected;

and

1 (C) the property being acquired is located
2 outside the territorial boundaries of the entity; or

3 (2) a private entity exercising its eminent domain
4 authority.

5 (b) In lieu of filing an objection to the special
6 commissioners' findings under Section 21.018 with the court, the
7 property owner, not later than the 14th day after the date the
8 special commissioners file their findings with the court, may file
9 a petition with the commissioners court of the county in which a
10 majority of the property to be condemned is located for the
11 disapproval of the condemnation.

12 (c) If the property owner files the petition with the
13 commissioners court, the commissioners court shall hold a hearing
14 to determine whether to approve the condemnation of the property.
15 The commissioners court may disapprove the condemnation entirely or
16 disapprove a term of the condemnation, including the property to be
17 condemned, proposed use of the property, or amount of damages for
18 the property.

19 (d) The entity may not condemn the property unless a
20 majority of the commissioners court approves the condemnation of
21 the property under Subsection (c). If the commissioners court
22 disapproves a term of the condemnation, the entity may revise the
23 final offer to the property owner.

24 SECTION 3. Section 21.0185, Property Code, as added by this
25 Act, applies only to a condemnation in which an initial offer is
26 made under Section 21.0113, Property Code, on or after the
27 effective date of this Act.

1 SECTION 4. This Act takes effect September 1, 2019.