

By: Schwertner, et al.

S.B. No. 724

A BILL TO BE ENTITLED

AN ACT

relating to the award of attorney's fees and other costs in an eminent domain proceeding.

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

SECTION 1. Section 21.047, Property Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) If the amount of damages awarded by the special commissioners is at least 20 percent greater than the amount of the condemnor's final offer made in accordance with Section 21.0113, or if the commissioners' award is appealed and a court awards damages in an amount that is at least 20 percent greater than the amount of the condemnor's final offer made in accordance with Section 21.0113, the condemnor:

(1) shall pay all costs as provided by Subsection (a);
and

(2) may be required to pay reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

SECTION 2. Section 21.047(a-1), Property Code, as added by this Act, applies only to an eminent domain proceeding commenced on or after the effective date of this Act. An eminent domain proceeding commenced before the effective date of this Act is governed by the law applicable to the proceeding immediately before the effective date of this Act, and that law is continued in effect

1 for that purpose.

2 SECTION 3. This Act takes effect September 1, 2021.