

1-1 By: Schwertner S.B. No. 1513
 1-2 (In the Senate - Filed March 3, 2023; March 16, 2023, read
 1-3 first time and referred to Committee on State Affairs;
 1-4 April 12, 2023, reported favorably by the following vote: Yeas 10,
 1-5 Nays 0; April 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to certain requirements in connection with the acquisition
 1-22 of real property for public use by an entity with eminent domain
 1-23 authority.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 402.031, Government Code, is amended by
 1-26 amending Subsection (c) and adding Subsection (c-2) to read as
 1-27 follows:

1-28 (c) The statement must include:

1-29 (1) the title, "Landowner's Bill of Rights"; and

1-30 (2) a description of:

1-31 (A) the condemnation procedure provided by
 1-32 Chapter 21, Property Code;

1-33 (B) the condemning entity's obligations to the
 1-34 property owner, including the responsibility for any damages
 1-35 arising from an examination or survey of the property; ~~and~~

1-36 (C) the property owner's options during a
 1-37 condemnation, including the property owner's right to:

1-38 (i) refuse to grant permission to the
 1-39 condemning entity to enter the property and conduct an examination
 1-40 or survey of the property;

1-41 (ii) negotiate the terms of the examination
 1-42 or survey of the property; and

1-43 (iii) object to and appeal an amount of
 1-44 damages awarded; and

1-45 (D) the condemning entity's right to sue for a
 1-46 court order authorizing the examination or survey if the property
 1-47 owner refuses to grant permission for the examination or survey.

1-48 (c-2) The statement must disclose that a condemning entity,
 1-49 other than an entity acquiring property as authorized under
 1-50 Subchapter D, Chapter 203, Transportation Code, that makes an
 1-51 initial offer under Section 21.0113, Property Code, that includes
 1-52 real property that the entity does not seek to acquire by
 1-53 condemnation shall in the initial offer:

1-54 (1) separately identify the real property that the
 1-55 entity does not seek to acquire by condemnation; and

1-56 (2) make an offer for the real property that the entity
 1-57 does not seek to acquire by condemnation separate from the offer
 1-58 made for the real property sought to be acquired by condemnation.

1-59 SECTION 2. Subchapter B, Chapter 21, Property Code, is
 1-60 amended by adding Section 21.01101 to read as follows:

1-61 Sec. 21.01101. SURVEY PERMISSION FORM. If an entity with

2-1 eminent domain authority provides a form to an owner of real
2-2 property requesting the owner's permission to enter the property to
2-3 examine the property or conduct a survey of the property in
2-4 connection with the potential acquisition of the property for a
2-5 public use, the form must conspicuously state that:

2-6 (1) the owner has a right to refuse to grant permission
2-7 to the entity to enter the property and conduct the examination or
2-8 survey;

2-9 (2) the entity has a right to sue for a court order
2-10 authorizing the entity to enter the property and conduct the
2-11 examination or survey if the owner refuses to grant the permission;

2-12 (3) the owner has a right to negotiate the terms of the
2-13 examination or survey of the property; and

2-14 (4) the entity has the responsibility for any damages
2-15 arising from an examination or survey of the property.

2-16 SECTION 3. Section 21.0112(a), Property Code, is amended to
2-17 read as follows:

2-18 (a) At the time [~~Not later than the seventh day before the~~
2-19 ~~date]~~ a governmental or private entity with eminent domain
2-20 authority makes an initial [~~a final~~] offer to a property owner to
2-21 acquire real property, the entity must send by first-class mail or
2-22 otherwise provide a landowner's bill of rights statement provided
2-23 by Section 402.031, Government Code, to the last known address of
2-24 the person in whose name the property is listed on the most recent
2-25 tax roll of any appropriate taxing unit authorized by law to levy
2-26 property taxes against the property. In addition to the other
2-27 requirements of this subsection, an entity with eminent domain
2-28 authority shall provide a copy of the landowner's bill of rights
2-29 statement to a landowner before or at the same time as the entity
2-30 first represents in any manner to the landowner that the entity
2-31 possesses eminent domain authority.

2-32 SECTION 4. Section 21.0113(b), Property Code, is amended to
2-33 read as follows:

2-34 (b) An entity with eminent domain authority has made a bona
2-35 fide offer if:

2-36 (1) an initial offer is made in writing to a property
2-37 owner that includes:

2-38 (A) a copy of the landowner's bill of rights
2-39 statement prescribed by Section 402.031, Government Code, provided
2-40 in accordance with Section 21.0112 and including the addendum
2-41 prescribed by Section 402.031(c-1), Government Code, if
2-42 applicable;

2-43 (B) a statement, in bold print and a larger font
2-44 than the other portions of the offer, indicating whether the
2-45 compensation being offered includes:

2-46 (i) damages to the remainder, if any, of the
2-47 property owner's remaining property; or

2-48 (ii) an appraisal of the property,
2-49 including damages to the remainder, if any, prepared by a certified
2-50 appraiser certified to practice as a certified general appraiser
2-51 under Chapter 1103, Occupations Code;

2-52 (C) an instrument of conveyance, provided that if
2-53 the entity is a private entity as defined by Section 21.0114(a), the
2-54 instrument must comply with Section 21.0114, as applicable, unless:

2-55 (i) the entity has previously provided an
2-56 instrument complying with Section 21.0114;

2-57 (ii) the property owner desires to use an
2-58 instrument different than one complying with Section 21.0114 and
2-59 consents in writing to use a different instrument; or

2-60 (iii) the property owner provided the
2-61 entity with the instrument prior to the issuance of the initial
2-62 offer; and

2-63 (D) the name and telephone number of a
2-64 representative of the entity who is:

2-65 (i) an employee of the entity;

2-66 (ii) an employee of an affiliate providing
2-67 services on behalf of the entity;

2-68 (iii) a legal representative of the entity;

2-69 or

3-1 (iv) if the entity does not have employees,
3-2 an individual designated to represent the day-to-day operations of
3-3 the entity;

3-4 (2) a final offer is made in writing to the property
3-5 owner;

3-6 (3) the final offer is made on or after the 30th day
3-7 after the date on which the entity makes a written initial offer to
3-8 the property owner;

3-9 (4) before making a final offer, the entity obtains a
3-10 written appraisal from a certified appraiser of the value of the
3-11 property being acquired and the damages, if any, to any of the
3-12 property owner's remaining property;

3-13 (5) the final offer is equal to or greater than the
3-14 amount of the written appraisal obtained by the entity;

3-15 (6) the following items are included with the final
3-16 offer or have been previously provided to the owner by the entity:

3-17 (A) a copy of the written appraisal; and

3-18 (B) a copy of the deed, easement, or other
3-19 instrument conveying the property sought to be acquired; and

3-20 [~~(C) the landowner's bill of rights statement~~
3-21 ~~prescribed by Section 21.0112, and]~~

3-22 (7) the entity provides the property owner with at
3-23 least 14 days to respond to the final offer and the property owner
3-24 does not agree to the terms of the final offer within that period.

3-25 SECTION 5. Subchapter B, Chapter 21, Property Code, is
3-26 amended by adding Section 21.0115 to read as follows:

3-27 Sec. 21.0115. OFFER TO ACQUIRE ADDITIONAL PROPERTY;

3-28 EXCEPTION. (a) Except as provided by Subsection (b), a condemning
3-29 entity that makes an initial offer under Section 21.0113 that
3-30 includes real property that the entity does not seek to acquire by
3-31 condemnation shall in the initial offer:

3-32 (1) separately identify the real property that the
3-33 entity does not seek to acquire by condemnation; and

3-34 (2) make an offer for the real property that the entity
3-35 does not seek to acquire by condemnation separate from the offer
3-36 made for the real property sought to be acquired by condemnation.

3-37 (b) Subsection (a) does not apply to an acquisition of real
3-38 property under Subchapter D, Chapter 203, Transportation Code.

3-39 SECTION 6. The office of the attorney general shall make the
3-40 landowner's bill of rights statement required by Section 402.031,
3-41 Government Code, as amended by this Act, available on the attorney
3-42 general's Internet website not later than January 1, 2024.

3-43 SECTION 7. The changes in law made by this Act to Sections
3-44 21.0112 and 21.0113, Property Code, apply only to the acquisition
3-45 of real property in connection with an initial offer made under
3-46 Section 21.0113, Property Code, on or after the effective date of
3-47 this Act. The acquisition of real property in connection with an
3-48 initial offer made under Section 21.0113, Property Code, before the
3-49 effective date of this Act is governed by the law as it existed
3-50 immediately before the effective date of this Act, and that law is
3-51 continued in effect for that purpose.

3-52 SECTION 8. This Act takes effect January 1, 2024.

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