

Eminent Domain News from the State Capitol

03.14.13

Multiple bills regarding the power and exercise of eminent domain, both generally and by common carriers, have been filed during the current Texas legislative session. Below, please find a list of those bills with a brief synopsis.

HB 20, HB 476, & SB 180: These companion bills would amend the Property Code adding specific information that must be given to the landowner regarding the public use of the land condemned, or acquired through the offer process. They also would change how often and how much information the landowner may request from an entity with eminent domain authority after the condemnation has finished and the public work completed.

HB 754 & SB 96: These companion bills would amend the Government Code and Parks and Wildlife Code to prohibit the use of eminent domain to acquire park sites or land for recreational purposes.

HB 1250 & SB 829: These companion bills would amend the Government Code to specify that property acquired through condemnation, or the offer process, must initially be used for the public use for which it was acquired.

HB 2586 & SB 655: These companion bills would amend the Special District Local Laws Code and the Water Code to specify that the exercise of eminent domain power is limited for a public purpose in accordance with Section 17, Article I, of the Texas Constitution.

HB 2748: This bill would amend chapter 174 of the Civil Practice and Remedies Code allowing for a determination by the Texas Railroad Commission of common carrier status to be conclusive of the issue in later court proceedings, if the determination is made after notice, a hearing, and the opportunity to appeal.

HB 3547 & SB 1625: These companion bills would amend the Natural Resources Code regarding the definitions of common carrier and affiliates. They would further allow for a determination of common carrier status to be made after a hearing by the State Office of Administrative Hearings upon application and notice.

SB 1637: This bill would amend Chapter 111 of the Natural Resources Code to set out a procedure for a common carrier determination by the Texas Railroad Commission.

SB 1782: This bill would amend the Property Code to require special commissioners in condemnation proceedings to consider the “peculiar effect of the specific route” of the easements and alternative routes proposed by the landowners in determining their awards.

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