

SUBJECT: Eminent domain authority for Texas A&M University board of regents

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 5 ayes — Crabb, F. Brown, Geren, Mowery, B. Turner

0 nays

4 absent — Walker, Howard, Krusee, Truitt

SENATE VOTE: On final passage, May 7 — 29-0

WITNESSES: No public hearing

BACKGROUND: Education Code, sec. 86.19 gives the board of directors of the Texas A&M University System the power of eminent domain to acquire for the university any land that may be necessary and proper for carrying out its purpose.

DIGEST: SB 1818 would repeal the eminent domain power of the Texas A&M University board of directors and would give that power to the Texas A&M University board of regents. The board of regents could acquire any real property that the board considered necessary and proper to carry out its powers and duties. The power would have to be exercised as required under the eminent domain provisions of Property Code, chapter 21, except that the board would not have to deposit a bond or money equal to damage awards if special commissioners had made an award in a condemnation proceeding under Property Code, sec. 21.021(a).

The bill also would repeal the board of directors' eminent domain authority in reference to Tarleton State University, part of the Texas A&M system.

SB 1818 would add to the board of regents' current authority to enter into contracts to purchase, acquire, or build permanent improvements. The board could enter into agreements for the sale, lease, and lease-purchase of permanent improvements. The state could not incur any debt with these transactions.

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The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2001.

SUPPORTERS
SAY:

SB 1818 would clean up language in current law to make it clear that the current power of eminent domain given to the Texas A&M University (TAMU) System rests with the system's board of regents. The language of current law gives the power of eminent domain to Texas A&M and to other institutions in the system in each school's statutes. As additional institutions have been added to the TAMU system, their boards have been dissolved, but language in the statutes does not clearly transfer their eminent domain power to TAMU regents.

The bill would not give TAMU any new power or authority but simply would make it clear that the board of regents holds the power of eminent domain and would eliminate outdated references to the system's board of directors, now called the board of regents. The University of Texas System's and the Texas State University System's board of regents already have the same power that SB 1818 would give the TAMU System regents.

SB 1818 also would clarify that the board of regents can enter into agreements for the sale, lease, and lease-purchase of permanent improvements and that the state would incur no debt in these transactions. Including this specific language would ensure that there is no confusion about the board's authority.

OPPONENTS
SAY:

No apparent opposition.