

BILL ANALYSIS

Senate Research Center
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S.B. 1316
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Natural Resources
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As Filed

DIGEST

In *Westgate, Ltd, v. State*, 843 S.W.2d 448 (Tex. 1992), the Texas Supreme Court held that the owner of a shopping center was not entitled to any compensation for the state's unreasonable delay in acquiring the property. Further, there was insufficient notice to the owner of the property regarding the states condemnation of the property. S.B. 1316 would authorize a property owner to choose to have his or her property valued on either the date the condemnor manifested publicly that it specifically intended to acquire the owner's property, or the date that the condemnor filed its petition to take the property.

PURPOSE

As proposed, S.B. 1316 regulate the assessment of damages in a condemnation proceeding.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.042(b), (c), and (e), Property Code, to provide that if an entire tract or parcel of real property is condemned, the damage to the property owner is the local market value of the property on the date the condemnor has the legal right to possession of the property condemned or, if the property owner chooses, on an earlier date specified by the property owner in accordance with this subsection. Authorizes the property owner to establish the value of the property on the date certain action takes place. Provides that for the purpose of this subsection, the value of property is determined in the manner as authorized for determining the value of property under Subsection (b). Deletes text regarding the special commissioners' hearing. Makes a conforming change.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Emergency clause.