

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 1818

By: Bivins

Education

4/26/2001

Committee Report (Substituted)

### **DIGEST AND PURPOSE**

Currently, state law does not directly grant the board of regents of the Texas A&M University System (board) the power of eminent domain. The power of eminent domain is addressed by means of an individual university within the university system. However, the power is granted directly to the governing boards of the University of Texas System and the Texas State University System in those systems' enabling statutes. C.S.S.B. 1818 grants the same powers and duties of eminent domain to the Texas A&M University System Board that are already granted to the governing boards of the University of Texas System and the Texas State University System.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 85.23, Education Code, to authorize the board of regents of the Texas A&M University System (board) to enter into an agreement with any person for the purchase, sale, lease, lease-purchase, acquisition, or construction of permanent improvements and to purchase, sell, lease, lease-purchase, encumber, or contract with reference to the divesting or encumbering title to lands and other appurtenances for the construction of the permanent improvements. Requires that no debt be incurred by the State of Texas under this section. Deletes existing text relating to the construction or acquisition of dormitories.

SECTION 2. Amends Chapter 85C, Education Code, by adding Section 85.32, as follows:

Sec. 85.32. EMINENT DOMAIN. Authorizes the board to exercise the power of eminent domain to acquire any real property that the board considers necessary and proper to carry out its powers and duties. Requires the board to exercise the power of eminent domain in the manner prescribed by Chapter 21 (Eminent Domain), Property Code, except that the board is not required to deposit a bond or the amount equal to the award of damages by the special commissioners under Sections 21.021(a)(2) and (3).

SECTION 3. Repealer: Sections 86.19 (Eminent Domain) and 87.003 (Eminent Domain), Education Code.

SECTION 4. Effective date: upon passage or September 1, 2001.

### **SUMMARY OF COMMITTEE CHANGES**

Differs from the original by adding text relating to the lease-purchase of permanent improvements and to certain other items associated with permanent improvements. Removes proposed text relating to the Texas A&M University System.