

BILL ANALYSIS

Senate Research Center
80R12607 JTS-D

C.S.S.B. 1384
By: Watson
Transportation & Homeland Security
4/11/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law, the Texas Department of Transportation (TxDOT) is required to give homeowners 90 days during which to vacate their property and owners of income-producing properties even less notice under quick-take condemnation proceedings. In some instances, property owners are required to vacate the property before receiving any payment for the property thereby placing an additional burden on the property owner.

C.S.S.B. 1384 gives homeowners and owners of income-producing property 365 days to vacate their property after receiving notification of the Texas Department of Transportation's (TxDOT) intention to take their property. This is an increase from the 90 days currently provided by law.

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 203.066(d), Transportation Code, as follows:

(d) Prohibits the Texas Department of Transportation (TxDOT) from filing a declaration of taking before the completion of certain actions, including, for each property described by Section 203.067(b), the delivery of a written notification to the property owner that the occupants will not be required to move before the 365th, rather than 90th, day after the date of the notice and will receive, within a certain timeframe, a written notice specifying the date by which the property must be vacated.

SECTION 2. Amends Sections 203.067(a) and (b), Transportation Code, as follows:

(a) Makes conforming changes.

(b) Prohibits TxDOT from taking possession of property under this section (Possession of Property for Toll Project) sooner than the 365th day after the date of service under Subsection (a) if the condemned property is a business, farm, or ranch. Deletes existing text prohibiting TxDOT from taking possession sooner than the 91st day after the date of service under Subsection (a).

SECTION 3. Makes the application of Section 203.067(b), Transportation Code, as amended by this Act, retroactive.

SECTION 4. Effective date: upon passage or September 1, 2007.