

## **BILL ANALYSIS**

Senate Research Center

S.B. 448  
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Jurisprudence  
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As Filed

### **DIGEST**

Currently, there are incidents whereby a government entity condemns private property and fails to exercise due diligence in giving notice to the property owner and therefore fails to compensate the landowner. In certain cases the landowner learns about the condemnation after the statute of limitations to recover damages has been tolled. This bill provides for a cause of action for the land owner whose real property has been condemned and for the accrual of the cause of action the date the person discovers the real property was condemned.

### **PURPOSE**

As proposed, S.B. 448 authorizes a person whose real property was condemned to file a suit to recover damages from the condemnor if certain requirements are met.

### **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 Chapter 21, Property Code, by adding Subchapter E, as follows:

#### **SUBCHAPTER E. PAYMENT OF CLAIM FOLLOWING CERTAIN CONDEMNATIONS**

Sec. 21.081. CAUSE OF ACTION. Authorizes a person whose real property was condemned to file a suit to recover damages from the condemnor if certain requirements are met. Sets forth certain dates on which a cause of action accrues.

Sec. 21.802. ASSESSMENT OF DAMAGES. Requires the court to award a plaintiff, who prevails under Section 21.081, a certain amount of damages. Requires damages to be assessed in accordance with the standards and requirements prescribed in Section 21.042.

SECTION 2. Effective date: September 1, 1997.

SECTION 3. Emergency clause.