

## **BILL ANALYSIS**

Senate Research Center  
76R7098 PAM-F

S.B. 1010  
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Natural Resources  
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### **DIGEST**

Currently, Texas law provides for certain assessments to be made regarding actual damages in the matter of condemnation proceedings. S.B. 1010 would regulate the assessment of damages in a condemnation proceeding, including market fluctuations or condemned property.

### **PURPOSE**

As proposed, S.B. 1010 regulates 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 21.041, Property Code, to require the special commissioners in eminent domain or condemnation proceedings (special commissioners) to submit special evidence as the basis for assessing actual damages to a property owner from a condemnation.

SECTION 2. Amends Section 21.042, Property Code, by amending Subsections (b), (c), and (d) and adding subsection (f), to provide that unless otherwise provided by this chapter, if all or portion of a tract or parcel of real property is condemned, the amount of the award for damage to the property owner is determined as of the date the tract or parcel is condemned and is equal to the market value certain property. Deletes certain language. Provides that if a portion of a tract or parcel of real property is condemned and the property owner seeks an award for damages caused by the condemnation to the remaining property, the amount of the award for damage to the remaining property is based on the difference in the market value of the remaining property immediately after the condemnation, considering any injury or benefit that the construction or operation of the condemnor's project has on the remaining property. Requires the special commissioners to consider all factors considered in the marketplace that may affect the property's market value, including certain conditions. Provides that if the property condemned is owned by a public entity or by a person organized and operated on a nonprofit basis and the property is devoted to and needed by the property owner in good faith to perform a public function or to provide nonprofit educational charitable, eleemosynary services, certain conditions may apply.

SECTION 3. Makes application of this Act prospective.

SECTION Emergency clause.