

## BILL ANALYSIS

Senate Research Center  
80R6216 KEL-F

H.B. 389  
By: Callegari, Brown, Fred (Estes)  
State Affairs  
5/2/2007  
Engrossed

### AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Texas Woman's University (TWU) currently has two separate statutory references granting it the power of eminent domain. One reference vests the board of regents of the Texas State College for Women of Texas with the power of eminent domain. Years later, the college's name was changed to Texas Woman's University. Currently, the Education Code grants the board of regents of TWU (board) the same powers as the board of regents of The University of Texas System, including the power of eminent domain, thereby making the previous reference in law to that power obsolete.

H.B. 389 repeals the obsolete reference. The bill also requires the board to abide by the eminent domain requirements of Chapter 21, Property Code, with certain exceptions, in order to modernize and align the board's eminent domain power with current state law. The change does not grant the board any new eminent domain powers.

### 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 107.45, Education Code, as follows:

Sec. 107.45. New heading: EMINENT DOMAIN; RESTRICTION. (a) Provides that the board of regents of Texas Woman's University (board) has the power of eminent domain to acquire for the use of the university in the manner prescribed by Chapter 21 (Eminent Domain), Property Code, any real property that may be necessary and proper for carrying out its purposes.

(b) Provides that the taking of real property by the board under this section is declared to be for the use of this state, and that the board is not required to deposit a bond or the amount equal to the award of damages by the commissioners as provided by Section 21.021 (Possession Pending Litigation), Property Code.

(c) Creates this subsection from existing text. Makes a conforming change.

SECTION 2. Repealer: Chapter 127, Acts of the 48<sup>th</sup> Legislature, Regular Session, 1943 (Article 3264d (Texas Women's University; Eminent Domain), V.T.C.S.).

SECTION 3. Effective date: upon passage or September 1, 2007.