

By: Kolkhorst, et al.

S.B. No. 474

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the recovery of costs and fees in connection with
3 certain eminent domain proceedings.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 21.047, Property Code, is amended by
6 adding Subsection (a-1) to read as follows:

7 (a-1) If the amount of damages awarded by the special
8 commissioners is at least 20 percent greater than the amount the
9 condemnor offered to pay before the proceedings began or if the
10 commissioners' award is appealed and a court awards damages in an
11 amount that is at least 20 percent greater than the amount the
12 condemnor offered to pay before the proceedings began, the
13 condemnor shall pay:

14 (1) all costs as provided by Subsection (a); and
15 (2) any reasonable attorney's fees and other
16 professional fees incurred by the property owner in connection with
17 the eminent domain proceeding.

18 SECTION 2. The change in law made by this Act applies only
19 to an eminent domain proceeding commenced on or after the effective
20 date of this Act. An eminent domain proceeding commenced before the
21 effective date of this Act is governed by the law applicable to the
22 proceeding immediately before the effective date of this Act, and
23 that law is continued in effect for that purpose.

24 SECTION 3. This Act takes effect September 1, 2015.