

CHAPTER 403

H.B. No. 1561

AN ACT

relating to the powers and duties of the Board of Regents, Texas State University System, and the Board of Regents, The University of Texas System.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 95.30 and 95.31, Education Code, are amended to read as follows:

Sec. 95.30. EMINENT DOMAIN. The board has the power of eminent domain to acquire for the use of the system universities the lands necessary and proper for carrying out their purposes, in the manner prescribed in Title 4, Chapter 21, of the Property Code [~~52, Revised Civil Statutes of Texas, 1925, as amended~~]. The taking of the land is for the use of the state. The board shall not be required to deposit a bond or the amount equal to the award of damages by the commissioners as provided in Section 21.021 of the Property Code [~~Paragraph 2, Article 3268, Revised Civil Statutes of Texas, 1925, as amended~~].

Sec. 95.31. ACQUISITION OF LAND; PROCEDURES. [(a)] The board may acquire land, including the improvements thereupon, needed for the proper operation of a system university. The acquisition may be by grant, purchase, lease, exchange, gift, devise, or by condemnation.

[(b)] If the board and the landowner cannot agree on the sale and purchase of the land, the board may request the attorney general to proceed to condemn the land as provided by law. [~~In lieu of a suit, the parties may select by agreement three persons to ascertain the value of the land under their oaths and the direction of the court. The finding and decision of the jury, court, or persons selected is in all cases final, except that the parties may appeal as in other civil cases.~~

[(c) ~~When the value of the land has been ascertained and the court is satisfied with the valuation, the court shall enter a decree vesting the title of the land in the state for the use and benefit of the university for whose benefit the land is needed. No decree shall be entered until the value of the land as ascertained, together with all reasonable cost and expense of the owner in attending the proceeding, is paid to him or into court for his benefit and subject to his order. The costs and expenses, including reasonable attorneys' fees, shall be ascertained by the court in which the proceeding is held.~~

SECTION 2. Subchapter B, Chapter 95, Education Code, is amended by adding Section 95.37 to read as follows:

Sec. 95.37. DELINQUENT STUDENT LOAN ACCOUNTS; VENUE. A suit by the Texas State University System on its own behalf or on behalf of a component institution of the Texas State University System to recover a delinquent student loan, account, or debt owed to the Texas State University System or a component institution of the Texas State University System shall be brought in Travis County.

SECTION 3. Subchapter C, Chapter 65, Education Code, is amended by adding Section 65.42 to read as follows:

Sec. 65.42. DELINQUENT ACCOUNTS; VENUE. A suit by The University of Texas System on its own behalf or on behalf of a component institution of The University of Texas System to recover a delinquent loan, account, or debt owed to The University of Texas System or a component institution of The University of Texas System may be brought in Travis County.

SECTION 4. This Act takes effect September 1, 1987.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 15, 1987, by the following vote: Yeas 144, Nays 0, 1 present, not voting. Passed by the Senate on May 25, 1987, by the following vote: Yeas 30, Nays 0.

Approved June 17, 1987.

Effective Sept. 1, 1987.