

BILL ANALYSIS

H.B. 2041
By: Leman
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law requires a property owner to disclose to the entity seeking to acquire the property through the use of eminent domain any and all current and existing appraisal reports produced or acquired by the property owner relating specifically to the owner's property either the 10th day after the date of the receipt of an appraisal report or the third business day before the date of a special commissioner's hearing. However, no such requirement exists for the entity seeking to acquire the property. This is fundamentally unfair, particularly should the entity seeking to acquire the property use an alternative appraisal report than what was already provided at the time of the initial offer, allowing for an asymmetry in the information to which each side has access when going before the special commissioners. H.B. 2041 seeks to remedy this issue by requiring the entity seeking to acquire real property through the use of eminent domain to disclose all applicable appraisal reports to the property owner that the entity plans to use no later than the third business day before the date of a special commissioner's hearing.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2041 amends the Property Code to require an entity seeking to acquire real property through the use of eminent domain to disclose to the property owner not later than the third business day before the date of a special commissioner's hearing any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner's property and used in determining the entity's opinion of value that the entity will use at the hearing.

EFFECTIVE DATE

September 1, 2021.