

## **BILL ANALYSIS**

C.S.H.B. 2044  
By: Leman  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

In Texas, a private property owner is prohibited from repurchasing condemned land from a condemning entity if the entity has made "actual progress" toward the public use of the land. Unfortunately, the definition of "actual progress" has proven to be unnecessarily broad and can be too easily satisfied without establishing substantive progress. There have been calls to strengthen these requirements so that landowners may be assured that their property was actually used for the purpose for which it was condemned. C.S.H.B. 2044 seeks to strengthen the definition of "actual progress" in this regard.

### **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**

C.S.H.B. 2044 amends the Property Code to increase from two to three the minimum number of prescribed actions whose completion constitutes actual progress for purposes of determining a person's right to repurchase real property from a condemning entity. The bill removes the following from those prescribed actions:

- the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; and
- the adoption by a majority of a governmental entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one of the prescribed actions before the 10th anniversary of the date of acquisition of the property.

The bill authorizes a navigation district, port authority, or a water district implementing a project included in the state water plan adopted by the Texas Water Development Board (TWDB) to establish actual progress for purposes of determining a person's right to repurchase real property from a condemning entity by the adoption of such a development plan in that manner and by completing one of the prescribed actions.

C.S.H.B. 2044 expands the conduct that constitutes the prescribed action regarding the hiring of and performance of a significant amount of work by an architect, engineer, or surveyor for the preparation of an applicable plan or plat to do the following:

- provide for the contracting with such a person as an alternative to the hiring of the person; and

- provide for the preparation of an applicable easement as an alternative to the preparation of the plan or plat.

C.S.H.B. 2044 expands the conduct that constitutes the prescribed action regarding the application for an applicable state or federal permit to provide as an alternative to such application the application for an applicable state or federal certificate.

#### **EFFECTIVE DATE**

September 1, 2021.

#### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2044 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original authorizes a navigation district or port authority to establish actual progress for purposes of determining a person's right to repurchase real property from a condemning entity by the adoption of a development plan and by completing certain actions. The substitute includes among the entities so authorized a water district implementing a project included in the state water plan adopted by the TWDB.