

BILL ANALYSIS

S.B. 721
By: Schwertner
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Eminent domain is the power of a governmental entity to acquire private property for a public use by providing adequate compensation. The state may also grant the power to private entities. While eminent domain can serve the greater good, it is a power ripe for abuse and misuse. Currently, landowners are required to provide appraisals used at commissioner court hearings at least three business days before the hearing, but the statute does not provide the same requirement for condemning entities. Appraisals are necessary documentation that both a landowner and condemning entity use to prepare for the commissioner court hearing. In an attempt to make information equally available to the landowner and the entity with the power of eminent domain, S.B. 721 would require condemnors to provide appraisals used at commissioner court hearings at least three business days before the hearing by amending current law relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

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

S.B. 721 amends the Property Code to require an entity seeking to acquire real property through the use of eminent domain, not later than the third business day before the date of a special commissioner's hearing, to disclose to the property owner 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.