

## **BILL ANALYSIS**

Senate Research Center  
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C.S.S.B. 626  
By: Schwertner et al.  
State Affairs  
4/3/2017  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Eminent domain is the power of a governmental entity to acquire private property for a public use by providing adequate compensation. The state also may grant the power to private entities. While eminent domain can serve the greater good, it is a government power ripe for abuse and misuse.

One aspect of the condemnation process that can be problematic is the offer for compensation itself. Under current case law, a condemning entity is not required to tell the landowner whether the offer includes more land than the entity has the authority to take under eminent domain. For landowners unfamiliar with the process, this is particularly troublesome. The Senate State Affairs Committee's Interim Report to the 85th Legislature recommended that landowners clearly understand condemnor's legal restrictions and be made more informed of which parcels of land could be taken through eminent domain. This bill enacts those recommendations.

S.B. 626 strengthens landowner rights in two ways. First, the bill requires condemnors who desire to take more land than reasonably necessary to complete the project to make a separate purchase offer for the additional, unnecessary property, and state in the additional offer that the land isn't subject to acquisition through eminent domain. Second, the bill updates the Landowner's Bill of Rights to include those two new requirements. S.B. 626 strengthens private property rights by better informing landowners and requiring clear purchase offers. (Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 626 amends current law relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 402.031, Government Code, by adding Subsection (c-1), as follows:

(c-1) Requires that the statement disclose that a condemning entity that makes an initial offer under Section 21.0113 (Bona Fide Offer Required), Property Code, that includes real property that the entity does not seek to acquire by condemnation in the initial offer, to separately identify the real property that the entity does not seek to acquire by condemnation and make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation.

SECTION 2. Amends Subchapter B, Chapter 21, Property Code, by adding Section 21.0114, as follows:

Sec. 21.0114. OFFER TO ACQUIRE ADDITIONAL PROPERTY. Requires a condemning entity that makes an initial offer under Section 21.0113 that includes real property that the entity does not seek to acquire by condemnation to, in the initial offer, separately identify the real property that the entity does not seek to acquire by condemnation and make an offer for the real property that the entity does not seek to acquire by condemnation separate from the offer made for the real property sought to be acquired by condemnation.

SECTION 3. Effective date: September 1, 2017.