

BILL ANALYSIS

C.S.H.B. 1987
By: Leman
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

It has been suggested that there is ambiguity regarding the requirement for an entity with eminent domain authority to report any changes to that authority to the comptroller of public accounts. C.S.H.B. 1987 seeks to address this issue by requiring an entity that claims to have eminent domain authority but that a court finds does not have such authority to report that finding to the comptroller.

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. 1987 amends the Government Code to require an entity that claimed to have eminent domain authority in a report submitted to the comptroller of public accounts for the maintenance of the comptroller's eminent domain database and that a court finds does not have such authority in a proceeding in a state court of competent jurisdiction to report the court's finding to the comptroller not later than the 30th day after the date the proceeding is completed. The bill requires the comptroller, if an entity reports such a finding, to reflect the finding in the database as soon as practicable after receiving the information by including the entity on a separately maintained list of entities that a court has found do not have eminent domain authority.

EFFECTIVE DATE

September 1, 2019.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1987 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 substitute does not include provisions that:

- require the reporting of a court proceeding filed to determine the validity or extent of an entity's eminent domain authority and the outcome of the court proceeding;
- require the comptroller to reflect the entity's challenged eminent domain status by

including the entity on a separately maintained list of entities with challenged status and in any other manner determined appropriate by the comptroller; and

- require the comptroller to update the information in the eminent domain database based on the reported outcome of the court proceeding as the comptroller determines appropriate.

The substitute includes provisions that do the following instead:

- require the reporting of a court's finding that an entity that claimed in an applicable report submitted to the comptroller to have eminent domain authority does not have such authority; and
- require the comptroller to reflect a reported finding in the eminent domain database by including the entity on a separately maintained list of entities that a court has found do not have eminent domain authority.