

SUBJECT: Adding notice of a land depreciation form to a landowner's bill of rights

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 7 ayes — Deshotel, Leman, Biedermann, Burrows, Romero, Rosenthal, Spiller

1 nay — Craddick

1 absent — Thierry

WITNESSES: For — (*Registered, but did not testify:* Adrian Shelley, Public Citizen; Eric Opiela, South Texans' Property Rights Association; Jeremy Fuchs, Texas and Southwestern Cattle Raisers Association; Josh Winegarner, Texas Cattle Feeders Association; Brian Adamek, Russell Boening, Mark Daniel, John Griffith, J. Walt Hagood, Charlie Leal, Pat McDowell, and Kevin Wikerson, Texas Farm Bureau; Jennifer Bremer, Texas Land and Mineral Owners Association; Julia Parenteau, Texas Realtors; James Foster; Calvin Tillman; Walter Werlla; Bill Wight)

Against — None

BACKGROUND: Government Code sec 402.031 requires the attorney general to prepare a written statement that includes a bill of rights for a property owner whose real property may be acquired by a governmental or private entity through the use of eminent domain authority.

Interested parties have noted that while a property owner who believes the appraised value of the owner's property decreased due to any cause other than normal depreciation may submit a form indicating such a belief to an appraisal district office, few property owners are aware that this form exists. Some have called for notice of this form to be included in the landowner's bill of rights statement prepared by the attorney general.

DIGEST: HB 3385 would require that the landowner's bill of rights under Government Code sec. 402.031 notify each property owner that the owner

had a right to submit to the appraisal district office in the county in which the property is taxable a report of decreased value for the owner's remaining property after the eminent domain taking. The statement of the bill of rights also would have to include a copy of the form for such a report as issued by the comptroller.

The Office of the Attorney General would have to make the landowner's bill of rights as amended by the bill available on the attorney general's website no later than January 1, 2022. This provision of the bill would take effect September 1, 2021.

The bill would take effect January 1, 2022.