

- SUBJECT:** Establishing an ombudsman office for eminent domain complaints
- COMMITTEE:** Land and Resource Management — committee substitute recommended
- VOTE:** 8 ayes — Deshotel, Leman, Biedermann, Burrows, Romero, Rosenthal, Spiller, Thierry
- 1 nay — Craddick
- WITNESSES:** For — Rita Beving, Texas Landowners for Eminent Domain Reform; (*Registered, but did not testify:* Judith McGeary, Farm and Ranch Freedom Alliance; Cyrus Reed, Lone Star Chapter Sierra Club; William Stevens, Panhandle Producers and Royalty Owners Association; 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; Jessica Karlsruher, TREAD Coalition; and 12 individuals)
- Against — James Mann, Texas Pipeline Association; (*Registered, but did not testify:* Ben Shepperd, Permian Basin Petroleum Association)
- On — (*Registered, but did not testify:* Tony Slagle, Texas Real Estate Commission)
- BACKGROUND:** Some have suggested that a specific statutory process is needed for property owners to file complaints against alleged abuses of eminent domain authority.
- DIGEST:** CSHB 448 would require the Texas Real Estate Commission (TREC) to establish an ombudsman office for the purpose of receiving complaints from and providing information to landowners whose real property could be acquired through the use of eminent domain authority. Landowners could file a complaint with the ombudsman office against an entity for

alleged intentional misconduct, including misrepresentation of certain information or criminal trespass, by the entity's representative. Complaints would have to include proof of ownership of the tract of land the entity sought to obtain.

The right of a landowner to file a complaint with the ombudsman office would be added to the required notifications to be provided by the landowner's bill of rights prepared by the attorney general.

The ombudsman would be selected by the executive director of TREC and would provide information to and answer questions from landowners on the landowner's bill of rights and eminent domain procedures under state law. Personal information obtained by the ombudsman office would be confidential in accordance with other complaint investigation procedures related to TREC.

TREC would have to establish the ombudsman office as required by the bill and adopt the necessary rules for implementation by December 1, 2021. The landowners bill of rights as amended by CSHB 448 also would have to be made available on the attorney general's website by that date.

The provisions of the bill requiring action by December 1, 2021 would take effect September 1, 2021. Otherwise the bill would take effect January 1, 2022.