

BILL ANALYSIS

Senate Research Center
83R11000 AJZ-D

H.B. 341
By: Pitts (Nichols)
Transportation
5/2/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current law the North Texas Tollway Authority (NTTA) has the authority to condemn mineral rights when using eminent domain to construct a toll road and has exercised that right in the past. However, the Texas Department of Transportation and other related entities do not have similar authority to condemn oil, gas, and sulfur rights when condemning property. H.B. 341 seeks to address this issue of exceptional eminent domain by prohibiting NTTA from acquiring mineral interests from the property subject to condemnation.

H.B. 341 amends current law relating to the exclusion of certain mineral interests from the property interests that may be condemned by a regional tollway authority.

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 366.165, Transportation Code, by adding Subsection (d), as follows:

(d) Requires a regional tollway authority, in a statement or petition in condemnation, to exclude from the interest to be condemned all the oil, gas, and sulphur that can be removed from beneath the real property. Requires that this exclusion be made without providing the owner of the oil, gas, or sulphur any right of ingress or egress to or from the surface of the land to explore, develop, drill, or mine the real property.

SECTION 2. Makes application of the change in law made by this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2013.