

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 175
By: Perry
State Affairs
3/6/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1812 from the 84th Legislative Session created a continuous reporting process for entities granted eminent domain authority by the Texas Legislature. A reporting platform was developed and is administered by the comptroller of public accounts of the State of Texas (comptroller), which facilitates registration on an annual basis to make reporting easy using modern database systems. The comptroller's eminent domain registry contains an entity's contact information, a listing of statutes on which the entity bases its eminent domain authority, and the county/counties where the entity operates and exercises its eminent domain authority, in addition to other categories of data. S.B. 1812 also created a civil penalty of \$1,000 for counties not in compliance.

For many larger counties, the penalty is not so costly as to be a burden. However, in smaller counties, the penalty is significant in relation to the overall budget of the county. This bill would grant the comptroller discretion to penalize the county up to \$1,000 for noncompliance, thereby giving the comptroller discretion over the fine and the amount of the fine based on circumstances and proportional to the size of the county.

Last session, we filed S.B. 379 with a committee substitute that deleted all reference to the fee in the first filed version of S.B. 379 and addresses school districts located in a county with a population of less than 25,000. The committee substitute stated that if the school districts do not have changes to eminent domain authority, they do not need to file the report.

S.B. 175 is a refile of S.B. 379 with the added committee substitute changes of eliminating the fee for the above-mentioned populations. This bill would keep school districts from having to file unnecessary paperwork when there are no changes to their eminent domain reporting authority. (Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 175 amends current law relating to eminent domain reporting requirements for certain entities.

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 2206.154, Government Code, by amending Subsection (a) and adding Subsections (b-1) and (b-2), as follows:

(a) Creates an exception under Subsection (b-1) to the requirement of this subsection that certain entities submit a certain annual report to the comptroller of public accounts of the State of Texas (comptroller), not later than February 1 of each year.

(b-1) Requires a political subdivision described by Subsection (b-2) to file an annual report under Subsection (a) only if the political subdivision's eminent domain authority information has changed from the information reported in the most recent report filed by the political subdivision under this section. Requires the political subdivision, not later

than February 1 of the current annual reporting period, to confirm the accuracy of the information by electronically updating the political subdivision's previously filed report with the comptroller in the manner prescribed by the comptroller, if for the current annual reporting period the political subdivision's eminent domain authority information is the same as the information reflected for the political subdivision in the eminent domain database for the previous annual reporting period.

(b-2) Provides that Subsection (b-1) applies to the following political subdivisions:

(1) a public school district located in a county with a population of less than 25,000; and

(2) a municipality or county with a population of less than 25,000.

SECTION 2. Effective date: September 1, 2019.