

BILL ANALYSIS

Senate Research Center
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H.B. 1422
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Intergovernmental Relations
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In 2011 the legislature established the eminent domain verification process. Pursuant to this process, an entity authorized by the state to exercise the power of eminent domain was required to submit a letter to the comptroller of public accounts of the State of Texas by December 31, 2012, declaring that the entity was authorized to exercise the power of eminent domain and identifying each provision of law that granted that authority to the entity. What's more, if an entity did not submit the letter by the deadline, its eminent domain authority expired September 1, 2013. The San Patricio County Rural Rail Transportation District did not receive notice of this verification mandate and therefore was unable to submit the requisite letter before the deadline. As a result, the district's eminent domain authority expired in 2013. H.B. 1422 would serve to reestablish the district's eminent domain authority, which is critical to its ability to implement its current connectivity projects, including connecting the Eagle Ford Shale to the world.

H.B. 1422 amends current law relating to the restoration of expired eminent domain authority of certain rural rail transportation districts.

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 Subchapter D, Chapter 172, Transportation Code, by adding Section 172.1571, as follows:

Sec. 172.1571. RESTORATION OF CERTAIN EXPIRED EMINENT DOMAIN AUTHORITY. (a) Provides that this section applies only to a district:

(1) whose authority to exercise the power of eminent domain under Section 172.157 (Eminent Domain) expired under Section 2206.101(c) (providing that the authority of an entity to exercise the power of eminent domain expires on September 1, 2013, unless the entity submits a letter in accordance with Subsection (b)), Government Code; and

(2) that is located in a county adjacent to a county in which there is located a port authority that has the authority to issue a permit for the movement of oversize or overweight vehicles under Subchapter O (Port of Corpus Christi Authority Roadway Permits) or P (Port of Corpus Christi Authority Special Freight Corridor Permits), Chapter 623 (Permits for Oversize or Overweight Vehicles).

(b) Authorizes the district, on and after September 1, 2015, notwithstanding the expiration of the district's authority as described by Subsection (a), to exercise the power of eminent domain in accordance with Section 172.157.

SECTION 2. Provides that this Act, as provided by Section 17(c) (authorizing the legislature to enact a general, local, or special law granting the power of eminent domain to an entity only on a two-thirds vote of all the members elected to each house), Article I (Bill of Rights), Texas Constitution, takes effect only on a two-thirds vote of all the members elected to each house. Provides that this Act takes effect September 1, 2015, if this Act receives the vote necessary to take effect.