

BILL ANALYSIS

Senate Research Center
85R22084 AJA-D

C.S.S.B. 379
By: Perry
State Affairs
4/11/2017
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 Texas comptroller of public accounts, 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.

Many rural independent school districts (ISD) note that they rarely update or exercise their eminent domain authority. The decision to take action to use eminent domain would be reported to the comptroller. If no changes are made, these ISDs contend there is no reason to file an annual report. These ISDs also report that they lack the proper staffing to comply with all the requested reporting requirements from various state agencies.

C.S.S.B. 379 addresses school districts located in a county with a population of less than 25,000. The committee substitute states that if the school districts does not have changes any to eminent domain authority from the previous year, they need not file the eminent domain report.

C.S.S.B. 379 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, as follows:

(a) Creates an exception under Subsections (b) and (b-1) and makes a nonsubstantive change.

(b-1) Requires a public school district located in a county with a population of less than 25,000 to file an annual report under Subsection (a) (relating to the filing of a certain report with the Texas comptroller of public accounts (comptroller)) only if the district's eminent domain authority information has changed from the information reported in the most recent report filed by the district under this section. Requires the district to, if for the current annual reporting period the district's eminent domain authority information is the same as the information reflected for the district in the eminent domain database for the previous annual reporting period and not later than February 1 of the current annual reporting period, confirm the accuracy of the information by electronically updating the district's previously filed report with the comptroller in the manner prescribed by the comptroller.

SECTION 2. Effective date: September 1, 2017.