

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 78TH LEGISLATIVE REGULAR SESSION

Revision 1

April 29, 2003

TO: Honorable Steve Ogden, Chair, Senate Committee on Infrastructure Development and Security

FROM: John Keel, Director, Legislative Budget Board

IN RE: HB156 by Krusee (Relating to the grant of the power of eminent domain to a regional mobility authority.), **As Engrossed**

No fiscal implication to the State is anticipated.

The bill would amend the Transportation Code by authorizing the governing body of a regional mobility authority (RMA) to exercise the same powers and duties that the Texas Transportation Commission (commission) and the Texas Department of Transportation have relating to condemnation or purchase of real property in order to fulfill the purpose of the RMA. The RMA would be limited to exercising power of condemnation only if the real property is located in a county that is part of the RMA, or with approval of the applicable county commissioners court if the property is located in a county that is not part of the RMA.

Except in certain situations listed in Section 351.135(a), Transportation Code, the RMA would not be required to obtain concurrence by the Texas Transportation Commission for exercising the power of condemnation.

The bill would take effect immediately if it receives a vote of two-thirds in each house; otherwise, it would take effect September 1, 2003.

Local Government Impact

If an RMA were to exercise eminent domain, the cost to the RMA would vary depending on the amount determined by the court for the RMA to pay the owner of the property, but the cost would likely have been included in the estimated cost of the project and paid out of the monies budgeted.

Currently, only one RMA has been established, but no meetings or projects have occurred.

Source Agencies: 601 Department of Transportation

LBB Staff: JK, RR, DLBa