

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

April 13, 2005

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: HB3459 by Baxter (Relating to the repurchase of real property acquired by a governmental entity through eminent domain.), **As Introduced**

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| No significant fiscal implication to the State is anticipated. |
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The bill would amend Subchapter E, Chapter 21, Property Code, to require a governmental entity that has acquired through eminent domain for a public use that was canceled before the tenth anniversary of the date of acquisition to account for such property with the General Land Office each even-numbered calendar year.

The bill would also amend the Property Code to require a governmental entity to declare property interest owned for 30 years or more that was acquired through eminent domain or threat of eminent domain and that has not been used for the purpose for which it was acquired to be declared as surplus. The bill would establish the procedures for disposing of the surplus property.

The bill would take effect September 1, 2005.

Under current and proposed statute, none of the requirements in Subchapter E would apply to a right-of-way under the jurisdiction of a county, a municipality, or the Texas Department of Transportation.

According to the General Land Office, the additional administrative responsibilities that would result from passage of the bill could be absorbed using existing resources.

The Office of the Attorney General reports that any increase in caseload as a result of implementing the provisions of the bill could be absorbed using existing resources.

Agencies and local governments that may have land acquired through the exercise of eminent domain to which the provisions of the bill would apply would receive revenue from the sale of the property at either the compensation paid by the entity for the property plus 7 percent interest per year since the date of conveyance or the current appraised market value. Revenue gain would vary by property.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 302 Office of the Attorney General, 304 Comptroller of Public Accounts, 305 General Land Office and Veterans' Land Board

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