

BILL ANALYSIS

C.S.H.B. 982
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Section 552.0037, Government Code, requires non-governmental entities authorized by law to take private property through eminent domain actions to generally subject to the public information provisions of Chapter 552, Government Code, for information that is related to the taking of private property by the entity through the use of eminent domain.

The purpose of C.S.H.B. 982 is to repeal Section 552.0037, Government Code, and place similar but amended provisions in the more appropriate Chapter 21, Property Code. C.S.H.B. 982 creates a new Section 21.024, Property Code, that clarifies that owners of property subject to eminent domain may request information relating to the taking of that property and requires the non-governmental entity to produce documentation relating to the condemnation of the specific property owned by the requestor.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

This bill amends the Property Code by adding a new section which requires non-governmental entities engaged in lawful eminent domain proceedings to produce certain documents, only if the information is related to the taking of private property owned by the requestor, and requires that the request for information contain sufficient detail to identify the specific tract of land in question. This bill requires such a non-governmental entity to respond to such a request in accordance with the Texas Rules of Civil Procedure (TRCP) as if the request was made in a matter pending before the state district court. The bill states that exceptions to disclosure found in Chapter 21, Property Code, and in the TRCP apply to disclosure under this section. This bill provides that jurisdiction for enforcement of this section is in state district court in the county in which the non-governmental entity has its principal place of business.

This bill repeals Section 552.0037, Government Code, which allows open records requests by non-owners of properties being condemned in eminent domain proceedings by non-governmental entities.

This bill provides that the change in law made by this Act apply only to a request for disclosure made on or after the effective date of this Act. A request for disclosure made before the effective date of this Act is governed by the law in effect immediately before the effective date of this Act, and that law is continued in effect for that purpose.

This bill provides for an effective date (September 1, 2007).

EFFECTIVE DATE

September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Original amended Section 552.0037 Government Code. The Committee Substitute repeals that section of the Government Code and amends Subchapter B, Chapter 21 of the Property Code by adding Section 21.024 which generally offers the language of the Original, with conforming changes reflecting the purpose of the bill.

C.S.H.B. 982 80(R)