

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 27, 2007

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

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

IN RE: HB1054 by Orr (Relating to the assessment of costs, attorney's fees, and additional damages in condemnation proceedings.), **As Introduced**

The amount of additional costs and overall negative fiscal impact to a condemnor under the circumstances described in the bill would vary by condemnor and by case, and therefore cannot be estimated.

The bill would amend the Property Code to require a condemnor to pay the costs for an eminent domain proceeding, any reasonable attorney's fees incurred by the property owner, and additional damages of 10 percent of the damages awarded by the special commissioners or the court if a court hearing a suit finds that the amount awarded by the court or the special commissioners is more than 20 percent of the amount the condemnor offered to the property owner prior to the start of a proceeding.

The bill would amend the Government Code to require the district court clerk or the statutory county court clerk, as applicable, to collect court costs and attorney's fees in an eminent domain proceeding.

Although a negative fiscal impact would be realized for any eminent domain proceedings where an amount awarded by the court or the special commissioners would exceed 20 percent of the amount the condemnor offered to the property owner prior to the start of a proceeding, the number of such proceedings can not be determined.

The bill would take effect September 1, 2007.

Local Government Impact

The amount of additional costs to a condemnor under the circumstances described in the bill would vary by condemnor and by case, and therefore cannot be estimated. The fiscal impact to the district or county clerks' offices for collecting the court costs and attorney's fees would be insignificant.

Source Agencies: 601 Department of Transportation

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