

BILL ANALYSIS

C.S.H.B. 2685
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Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In 2007 the Texas Legislature enacted the Landowner's Bill of Rights Act to require condemning entities to provide a property owner affected by a proposed condemnation with a written statement of their rights and options as provided by state law and the Texas Constitution before the entity begins negotiations to acquire the owner's property.

C.S.H.B. 2685 clarifies that the condemning entity must provide a copy of the landowner's bill of rights statement to an affected property owner on or at the same time the entity first represents in any manner to the landowner that the entity possesses eminent domain authority and not later than the seventh day before the entity makes a final offer to acquire the owner's property.

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

C.S.H.B. 2685 amends the Property Code to require a governmental or private entity with eminent domain authority, not later than the seventh day before the date such an entity makes a final offer to acquire real property, to send or provide a landowner's bill of rights statement to the property owner, rather than requiring such an entity to send or provide the landowner's bill of rights to a property owner before the entity begins negotiating with the property owner. The bill requires an entity with eminent domain authority, in addition to other requirements, to provide a copy of the landowner's bill of rights statement to a landowner before or at the same time as the entity first represents in any manner to the landowner that the entity possesses eminent domain authority.

C.S.H.B. 2685 requires the attorney general's office, as soon as practicable after the effective date of the bill, to prepare a new landowner's bill of rights statement under provisions of the Government Code, as added by Chapter 1201 (H. B. 1495), Acts of the 80th Legislature, Regular Session, 2007, to incorporate the general law changes made by the 81st Legislature and any constitutional amendments proposed by the 81st Legislature and approved by the voters. The attorney general's office is required to consult with stakeholders regarding the draft of the statement, which is required to be drafted in plain language.

EFFECTIVE DATE

January 15, 2010.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2685 differs from the original by requiring an entity with eminent domain authority, in addition to other requirements, to provide a copy of the landowner's bill of rights statement to a landowner before or at the same time as the entity first represents in any manner to the landowner that the entity possesses eminent domain authority. The substitute differs from the original by moving the date an entity making an offer to acquire real property is required to send or provide a landowner's bill of rights statement to the property owner from on or before the date the entity makes an offer to not later than the seventh day before the date the entity makes a final offer. The substitute differs from the original by changing the effective date from September 1, 2009, to January 15, 2010.