

## **BILL ANALYSIS**

H.B. 3105  
By: Keffer  
Energy Resources  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

In general, there is a remedy in law for a landowner who is harmed when an entity exercises its power of eminent domain by condemning all or part of the landowner's property. The Private Real Property Rights Preservation Act provides, in some cases, a remedy when a governmental regulation or action diminishes the value of the property, even if no actual physical taking of property has occurred, but only surface landowners are protected in such situations. H.B. 3105 seeks to provide additional protection by applying the provisions of the Private Real Property Rights Preservation Act to an action by a municipality that takes, damages, destroys, impairs, or prohibits development of a mineral interest.

### **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**

H.B. 3105 amends the Government Code to make the Private Real Property Rights Preservation Act applicable to an action by a municipality that damages, destroys, impairs, or prohibits development of a mineral interest.

### **EFFECTIVE DATE**

September 1, 2011.