

## BILL ANALYSIS

C.S.H.B. 341  
By: Pitts  
Land & Resource Management  
Committee Report (Substituted)

### BACKGROUND AND PURPOSE

Interested parties contend that, while a particular regional tollway authority currently has the authority to condemn mineral rights when using eminent domain to construct a toll road and has exercised that right in the past, certain other related entities do not have similar authority to condemn oil, gas, and sulfur rights when condemning property. C.S.H.B. 341 seeks to address this issue of exceptional eminent domain authority by establishing provisions relating to the exclusion of certain mineral interests from the property interests subject to condemnation by a regional tollway authority.

### 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. 341 amends the Transportation Code to require a regional tollway authority, in a statement or petition in condemnation of real property, to exclude from the interest to be condemned all the oil, gas, and sulphur that can be removed from beneath the real property. The bill requires the exclusion to be made without providing the owner of the oil, gas, or sulphur any right of ingress or egress to or from the surface of the land to explore, develop, drill, or mine the real property.

### EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

### COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 341 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 366.165, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) An authority shall, in a statement or petition in condemnation, exclude from the interest to be condemned all mineral interests in and under the real property. This exclusion shall be made without providing

#### HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 366.165, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) An authority shall, in a statement or petition in condemnation, exclude from the interest to be condemned all the oil, gas, and sulphur that can be removed from beneath the real property. This exclusion shall be

the owner of the mineral interests any right of ingress or egress to or from the surface of the land to explore, develop, drill, or mine the real property.

SECTION 2. The change in law made by this Act applies only to a condemnation in which a condemnation petition is filed on or after the effective date of this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

made without providing the owner of the oil, gas, or sulphur any right of ingress or egress to or from the surface of the land to explore, develop, drill, or mine the real property.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.