

BILL ANALYSIS

C.S.H.B. 1422
By: Lozano
Land & Resource Management
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that many entities, including certain rural rail transportation districts, have lost the power of eminent domain due to a failure to comply with the deadlines for submission of a claim to eminent domain authority to the comptroller of public accounts. These parties also note that certain rural rail transportation districts need this authority to build new rail lines to keep up with significant economic development and industrial growth in the respective areas. C.S.H.B. 1422 seeks to address this issue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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. 1422 amends the Transportation Code to authorize a rural rail transportation district that is located in a county adjacent to a county in which there is located a port authority that has the authority to issue a permit for the movement of oversize or overweight vehicles under statutory provisions relating to Port of Corpus Christi Authority roadway permits or special freight corridor permits to exercise the power of eminent domain on and after September 1, 2015, if the district's authority to exercise that power expired on September 1, 2013, because the district failed to submit a letter to the comptroller of public accounts stating the district's authorization by the state to exercise that power and identifying each provision of law that grants the district that authority.

EFFECTIVE DATE

September 1, 2015, unless the bill does not receive the necessary vote.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1422 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 172.157, Transportation Code, is amended by adding Subsection (f) to read as follows:

(f) This subsection applies to a district whose authority to exercise the power of eminent domain under this section expired under Section 2206.101(c), Government Code.

Notwithstanding that expiration, on or after September 1, 2015, the district may exercise the power of eminent domain in accordance with this section.

SECTION 2. As provided by Section 17(c), Article I, Texas Constitution, this Act takes effect only on a two-thirds vote of all the members elected to each house.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter D, Chapter 172, Transportation Code, is amended by adding Section 172.1571 to read as follows:

Sec. 172.1571. RESTORATION OF CERTAIN EXPIRED EMINENT DOMAIN AUTHORITY.

(a) This section applies only to a district:

(1) whose authority to exercise the power of eminent domain under Section 172.157 expired under Section 2206.101(c), Government Code; and

(2) that is located in a county adjacent to a county in which there is located a port authority that has the authority to issue a permit for the movement of oversize or overweight vehicles under Subchapter O or P, Chapter 623.

(b) Notwithstanding the expiration of the district's authority as described by Subsection (a), the district, on and after September 1, 2015, may exercise the power of eminent domain in accordance with Section 172.157.

SECTION 2. As provided by Section 17(c), Article I, Texas Constitution, this Act takes effect only on a two-thirds vote of all the members elected to each house.

If this Act receives the vote necessary to take effect, this Act takes effect September 1, 2015.