

BILL ANALYSIS

Senate Research Center

S.B. 1812
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Previous legislation required certain public and private entities to register with the comptroller of public accounts of the State of Texas (comptroller). The legislation captured a snapshot of the eminent domain authority landscape in Texas. However, without continuous registration, current law only provides a limited view of how many entities in Texas possess eminent domain authority.

S.B. 1812 creates a continuous reporting process for entities granted eminent domain authority by the Texas Legislature. A reporting platform would be developed and administered by the comptroller, facilitating registration on an annual basis so as to make reporting easy using modern database systems. The comptroller's eminent domain registry would contain an entity's contact information, a listing of statutes on which the entity bases its eminent domain authority, and the county/counties where the entity operates and exercises its eminent domain authority, in addition to other categories of data.

Reporting would be accomplished through an electronic portal—a departure from the paper-based reporting. Failure to report would result in administrative penalties to be assessed by the comptroller. Each year, the comptroller would publish a report comprised of reporting-compliance data, data related to the number of entities—public and private—in Texas with eminent domain authority, and other statistics relevant to the exercise of eminent domain authority.

As proposed, S.B. 1812 amends current law relating to transparency in the reporting of eminent domain authority and the creation of an eminent domain database.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the comptroller of public accounts of the State of Texas in SECTION 1 (Section 2206.152, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2206, Government Code, by adding Subchapter D, as follows:

SUBCHAPTER D. TRANSPARENCY AND EMINENT DOMAIN AUTHORITY REPORTING.

Sec. 2206.151. **APPLICABILITY.** Provides that this section applies to public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain.

Sec. 2206.152. **EMINENT DOMAIN DATABASE.** (a) Requires the comptroller of public accounts of the State of Texas (comptroller) to create and make accessible on the Internet an eminent domain database with information regarding public and private entities, including common carriers, authorized by the state by a general or special law to exercise the power of eminent domain.

(b) Requires that the eminent domain database include with respect to each entity described by Section 2206.151:

- (1) the name of the entity;
- (2) the provision of law or laws that grants the entity eminent domain authority;
- (3) the geographic territory subject to the entity's eminent domain authority;
- (4) the effective date of the entity's eminent domain authority inception, and if applicable, termination; and
- (5) the entity's Internet website address or, if the entity does not operate an Internet website, contact information to enable a member of the public to obtain information from the entity; and
- (6) such other eminent domain authority related information that the entity and comptroller may agree to provide.

(c) Authorizes the comptroller to consult with the appropriate officer of, or other person representing, each entity to obtain the information necessary to operate and update the eminent domain database.

(d) Authorizes the comptroller, to the extent information required in the eminent domain database is otherwise collected or maintained by a state agency or political subdivision, to request, and requires the state agency or political subdivision to provide, that information and updates to the information as necessary for inclusion in the eminent domain database.

(e) Requires the comptroller to update information in the eminent domain database regarding eminent domain authority by each entity at least annually.

(f) Requires the comptroller, to the extent possible, to present information in the eminent domain database in a manner that is searchable and intuitive to users. Authorizes the comptroller to enhance and organize the presentation of the information through the use of graphical representations as the comptroller considers appropriate.

(g) Prohibits the comptroller from charging a fee to the public to access the eminent domain database.

(h) Authorizes the comptroller to establish procedures and adopt rules to implement this section.

Sec. 2206.153. PROVISION OF INFORMATION TO THE COMPTROLLER. (a) Requires an entity described in Section 2206.151 to transmit records and other information specified by this subchapter to the comptroller at least annually for purposes of providing the comptroller with information to operate and update the eminent domain database under Section 2206.152, Government Code. Requires the entity to transmit the records and other information in a form and in the manner prescribed by the comptroller.

(b) Requires an entity in existence on September 1, 2015, to transmit the information required by Subsection (a) to the comptroller not later than September 1, 2016. Provides that this subsection expires January 1, 2017.

(c) Requires an entity created on or after September 1, 2015, to transmit the information required by Subsection (a) to the comptroller on or before the later of:

(1) September 1, 2016; or

(2) six months after the entity's creation date.

(d) Requires the entity, if after an entity transmits the information required by Subsection (a) to the comptroller the entity's eminent domain authority changes or the entity dissolves, to transmit to the comptroller as provided by Subsection (a) and as applicable information regarding the change to its eminent domain authority, dissolution, annexation, or consolidation of the entity not later than six months after the date the change in eminent domain authority or dissolution occurs.

Sec. 2206.154. INTERNET WEBSITE. Requires an entity to transmit to the comptroller as provided by Section 2206.152 the address of the Internet website maintained by the entity, if any.

SECTION 2. Requires the comptroller to create and post on the Internet the eminent domain database required by Section 2203.152, Government Code, as added by this Act, not later than December 31, 2017.

SECTION 3. Effective date: upon passage or September 1, 2015.