

By: Geren

H.B. No. 3988

A BILL TO BE ENTITLED

AN ACT

relating to transparency in the reporting of eminent domain authority and the creation of an eminent domain database.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2206, Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. TRANSPARENCY AND EMINENT DOMAIN AUTHORITY REPORTING.

Section 2206.151, APPLICABILITY. 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.

Section 2206.152. EMINENT DOMAIN DATABASE (a) The comptroller shall 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) The eminent domain database must 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;

1 (4) the effective date of the entity's eminent domain
2 authority inception, and if applicable, termination; and

3 (5) the entity's Internet website address or, if the
4 entity does not operate an Internet website, contact information to
5 enable a member of the public to obtain information from the entity;
6 and

7 (6) such other eminent domain authority related
8 information that the entity and Comptroller may agree to provide.

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

13 (d) To the extent information required in the eminent domain
14 database is otherwise collected or maintained by a state agency or
15 political subdivision, the comptroller may request and the state
16 agency or political subdivision shall provide that information and
17 updates to the information as necessary for inclusion in the
18 eminent domain database.

19 (e) The comptroller shall update information in the eminent
20 domain database regarding eminent domain authority by each entity
21 at least annually.

22 (f) To the extent possible, the comptroller shall present
23 information in the eminent domain database in a manner that is
24 searchable and intuitive to users. The comptroller may enhance and
25 organize the presentation of the information through the use of
26 graphical representations as the comptroller considers
27 appropriate.

1 (g) The comptroller may not charge a fee to the public to
2 access the eminent domain database.

3 (h) The comptroller may establish procedures and adopt
4 rules to implement this section.

5 Section 2206.153 PROVISION OF INFORMATION TO THE
6 COMPTROLLER. (a) An entity described in Section 2206.151 shall
7 transmit records and other information specified by this subchapter
8 to the comptroller at least annually for purposes of providing the
9 comptroller with information to operate and update the eminent
10 domain database under Section 2206.152, Government Code. The entity
11 shall transmit the records and other information in a form and in
12 the manner prescribed by the comptroller.

13 (b) An entity in existence on September 1, 2015, shall
14 transmit the information required by Subsection (a) to the
15 comptroller not later than September 1, 2016. This subsection
16 expires January 1, 2017.

17 (c) An entity created on or after September 1, 2015, shall
18 transmit the information required by Subsection (a) to the
19 comptroller on or before the later of:

20 (1) September 1, 2016; or

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

22 (d) If after an entity transmits the information required by
23 Subsection (a) to the comptroller the entity's eminent domain
24 authority changes or the entity dissolves, the entity shall
25 transmit to the comptroller as provided by Subsection (a) and as
26 applicable information regarding the change to its eminent domain
27 authority, dissolution, annexation, or consolidation of the entity

1 not later than six months after the date the change in eminent
2 domain authority or dissolution occurs.

3 Sec. 2206.154. INTERNET WEBSITE. An entity shall transmit
4 to the comptroller as provided by Section 2206.152 the address of
5 the Internet website maintained by the entity, if any.

6 SECTION 2. The comptroller shall create and post on the
7 Internet the eminent domain database required by Section 2203.152,
8 Government Code, as added by this Act, not later than December 31,
9 2017.

10 SECTION 3. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2015.