

By: Kolkhorst, et al.  
(Geren)

S.B. No. 1812

Substitute the following for S.B. No. 1812:

By: Deshotel

C.S.S.B. No. 1812

A BILL TO BE ENTITLED

AN ACT

relating to transparency in the reporting and public availability of information regarding eminent domain authority; providing a civil penalty.

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. EMINENT DOMAIN AUTHORITY REPORTING; PUBLIC AVAILABILITY

Sec. 2206.151. APPLICABILITY. This subchapter 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. CREATION DATE. For the purposes of this subchapter, an entity described by Section 2206.151 is considered to have been created on:

(1) the earliest date on which the entity existed if the entity was authorized to exercise the power of eminent domain on that date; or

(2) the earliest date on which the entity was authorized to exercise the power of eminent domain if the entity did not have that authority on the earliest date on which the entity existed.

Sec. 2206.153. EMINENT DOMAIN DATABASE. (a) The

1 comptroller shall create and make accessible on an Internet website  
2 maintained by the comptroller an eminent domain database as  
3 provided by this section.

4 (b) The eminent domain database must include with respect to  
5 each entity described by Section 2206.151:

6 (1) the name of the entity;

7 (2) the entity's address and public contact  
8 information;

9 (3) the name of the appropriate officer or other  
10 person representing the entity and that person's contact  
11 information;

12 (4) the type of entity;

13 (5) each provision of law that grants the entity  
14 eminent domain authority;

15 (6) the focus or scope of the eminent domain authority  
16 granted to the entity;

17 (7) the earliest date on which the entity had the  
18 authority to exercise the power of eminent domain;

19 (8) the entity's taxpayer identification number, if  
20 any;

21 (9) whether the entity exercised the entity's eminent  
22 domain authority in the preceding calendar year by the filing of a  
23 condemnation petition under Section 21.012, Property Code; and

24 (10) the entity's Internet website address or, if the  
25 entity does not operate an Internet website, contact information to  
26 enable a member of the public to obtain information from the entity.

27 (c) The comptroller may consult with the appropriate

1 officer of, or other person representing, each entity to obtain the  
2 information necessary to maintain the eminent domain database.

3 (d) To the extent information required in the eminent domain  
4 database is otherwise collected or maintained by a state agency or  
5 political subdivision, the comptroller may request and the state  
6 agency or political subdivision shall provide that information and  
7 any update to the information as necessary for inclusion in the  
8 eminent domain database.

9 (e) At least annually, the comptroller shall update  
10 information in the eminent domain database for each entity, as  
11 appropriate.

12 (f) To the extent possible, the comptroller shall present  
13 information in the eminent domain database in a manner that is  
14 searchable and intuitive to users. The comptroller may enhance and  
15 organize the presentation of the information through the use of  
16 graphical representations as the comptroller considers  
17 appropriate.

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

20 Sec. 2206.154. REPORTING OF INFORMATION TO COMPTROLLER.

21 (a) Except as provided by Subsection (b), not later than February  
22 1 of each year, an entity described by Section 2206.151 shall submit  
23 to the comptroller a report containing records and other  
24 information specified by this subchapter for the purpose of  
25 providing the comptroller with information to maintain the eminent  
26 domain database under Section 2206.153. The entity shall submit  
27 the report in a form and in the manner prescribed by the

1 comptroller.

2 (a-1) An entity described by Section 2206.151 created  
3 before and in existence for at least 180 days on September 1, 2015,  
4 shall submit the entity's initial report under Subsection (a) not  
5 later than February 1, 2016. An entity described by Section  
6 2206.151 created before and in existence for less than 180 days on  
7 September 1, 2015, shall submit the entity's initial report under  
8 Subsection (a) not later than the later of the 180th day after the  
9 date of the entity's creation or February 1, 2016. This subsection  
10 expires December 1, 2016.

11 (b) An entity described by Section 2206.151 created on or  
12 after September 1, 2015, is not required to submit the entity's  
13 initial report under Subsection (a) before the 180th day after the  
14 date of the entity's creation.

15 (c) In addition to the annual report required under  
16 Subsection (a), an entity described by Section 2206.151 shall  
17 report to the comptroller any changes to the entity's eminent  
18 domain authority information reported under this section not later  
19 than the 90th day after the date on which the change occurred.

20 Sec. 2206.155. PENALTIES FOR NONCOMPLIANCE. (a) If an  
21 entity does not timely submit a report that complies with Section  
22 2206.154, the comptroller shall provide written notice to the  
23 entity:

24 (1) informing the entity of the entity's violation of  
25 that section; and

26 (2) notifying the entity that the entity will be  
27 subject to a penalty of \$1,000 if the entity does not report the

1 required information on or before the 30th day after the date the  
2 notice is provided.

3 (b) Not later than the 30th day after the date the  
4 comptroller provides notice to an entity under Subsection (a), the  
5 entity must report the required information.

6 (c) If an entity does not report the required information as  
7 prescribed by Subsection (b):

8 (1) the entity is liable to the state for a civil  
9 penalty of \$1,000; and

10 (2) the comptroller shall provide written notice to  
11 the entity:

12 (A) informing the entity of the entity's  
13 liability for the penalty; and

14 (B) notifying the entity that if the entity does  
15 not report the required information on or before the 30th day after  
16 the date the notice is provided:

17 (i) the entity will be subject to an  
18 additional penalty of \$1,000; and

19 (ii) the entity's noncompliance will be  
20 reflected in the eminent domain database maintained by the  
21 comptroller.

22 (d) Not later than the 30th day after the date the  
23 comptroller provides notice to an entity under Subsection (c), the  
24 entity must report the required information.

25 (e) If an entity does not report the required information as  
26 prescribed by Subsection (d):

27 (1) the entity is liable to the state for a civil

1 penalty of \$1,000; and

2 (2) the comptroller shall:

3 (A) reflect the entity's noncompliance in the  
4 database required by this subchapter by including the entity on a  
5 separately maintained list of noncomplying entities and in any  
6 other manner determined appropriate by the comptroller until the  
7 entity reports all information required under Section 2206.154; and

8 (B) provide written notice to the entity that the  
9 entity's noncompliance will be reflected in the database until the  
10 entity reports the required information.

11 (f) The attorney general may sue to collect a civil penalty  
12 imposed by this section.

13 Sec. 2206.156. EMINENT DOMAIN AUTHORITY NOT AFFECTED. The  
14 reporting, failure to report, or late submission of a report by a  
15 public or private entity, including a common carrier, under this  
16 subchapter does not affect the entity's authority to exercise the  
17 power of eminent domain.

18 Sec. 2206.157. RULES. The comptroller may adopt rules and  
19 establish policies and procedures to implement this subchapter.

20 SECTION 2. The comptroller of public accounts shall create  
21 and post on an Internet website maintained by the comptroller the  
22 eminent domain database required by Section 2206.153, Government  
23 Code, as added by this Act, not later than September 1, 2016.

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

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1 Act takes effect September 1, 2015.