

## **BILL ANALYSIS**

Senate Research Center  
85R3226 AJA-D

S.B. 379  
By: Perry  
State Affairs  
4/7/2017  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1812, 84th Legislature, Regular Session, 2015, created a continuous reporting process for entities granted eminent domain authority by the Texas Legislature. A reporting platform was developed and is administered by the Texas comptroller of public accounts (comptroller), which facilitates registration on an annual basis to make reporting easy using modern database systems. The comptroller's eminent domain registry contains 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. S.B. 1812 also created a civil penalty of \$1,000 for counties not in compliance.

For many larger counties, the penalty is not so costly as to be a burden. However, in smaller counties, the penalty is significant in relation to the overall budget of the county.

S.B. 379 grants the comptroller discretion to penalize the county up to \$1,000 for noncompliance, thereby giving the comptroller discretion over the fine and the amount of the fine based on circumstances and proportional to the size of the county.

As proposed, S.B. 379 amends current law relating to the penalty for noncompliance with certain eminent domain reporting requirements.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 2206.155(a), (c), and (e), Government Code, as follows:

(a) Requires the Texas comptroller of public accounts (comptroller), if an entity does not timely submit a report that complies with Section 2206.154 (Reporting Information to Comptroller), Tax Code, to provide written notice to the entity notifying the entity that the entity will be subject to a penalty of up to \$1,000, rather than a penalty of \$1,000, if the entity does not report the required information on or before the 30th day after the date the notice is provided.

(c) Provides that, if an entity does not report the required information as prescribed by Subsection (b) (relating to the information an entity must provide within 30 days after the date the comptroller provides notice):

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

(2) requires the comptroller to provide written notice to the entity notifying the entity that if the entity does not report the required information on or before the 30th day after the date the notice is provided the entity will be subject to an additional penalty of up to \$1,000.

(e) Provides that, if an entity does not report the required information as prescribed by Subsection (d) (relating to the information an entity must provide within 30 days after the date the comptroller provides notice), the entity is liable to the state for a civil penalty of up to \$1,000, rather than a penalty of \$1,000.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2017.