

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION**

**April 10, 2017**

**TO:** Honorable Abel Herrero, Chair, House Committee on Land & Resource Management

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE: HB3170** by Bell (Relating to the protection of the rights of a property owner in an eminent domain proceeding.), **As Introduced**

The fiscal implications of the bill cannot be determined at this time
---

The bill would amend the Property Code relating to eminent domain proceedings. The bill would require a court to dismiss a condemnation proceeding if the party that filed a condemnation petition fails to notify a property owner of any new, amended, or updated appraisal report. The notification must be made no later than the 10th day after the entity receives the appraisal report or the third business day before the date of a special commissioner's hearing if the appraisal report is to be used at the hearing. The court would be required to make an allowance to the property owner for reasonable and necessary fees for attorneys, appraisers, photographers and other expenses.

According to the Texas Department of Transportation (TxDOT) the bill would have a significant negative fiscal impact on TxDOT which can not be definitively calculated, both in attorney fees and project delays. If a project is delayed long enough TxDOT could incur contract delay penalties.

The bill would take effect immediately if the bill receives a two-thirds vote in each house; otherwise, the bill would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League the fiscal impact cannot be determined but it is anticipated to raise costs to local government.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** UP, SZ, GG, BM