

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

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

**April 5, 2017**

**TO:** Honorable Joan Huffman, Chair, Senate Committee on State Affairs

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

**IN RE:** SB626 by Schwertner (Relating to the acquisition of certain real property in conjunction with the acquisition of real property for a public use through eminent domain procedures.), **Committee Report 1st House, Substituted**

<b>No significant fiscal implication to the State is anticipated.</b>
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The bill would amend the Government Code and the Property Code to require entities with the power of eminent domain to provide a condemnee landowner with additional information prior to the filing of certain condemnation actions. Specifically, the proposed law would require that, in the event that a condemnor makes and offer to acquire property both subject to eminent domain (because it is used for a public purpose) and not subject to eminent domain (because it is not for a public purpose), that the condemnor identify the real property not subject to condemnation and make a separate offer for that property.

According to the Office of the Attorney General, any increase in case load and resultant fiscal impact on the agency resulting from the passage of this could be absorbed within current resources.

According to the Department of Transportation, the bill is not anticipated to have a substantial negative impact. The bill will require, that should the agency make an offer on a remainder tract, such offer would need to be separate from the offer on the property subject to condemnation. The agency would incur additional administrative expenses for acquisition of property that is not reasonably necessary to complete the public use, however, very few non-public use parcels are acquired and the expenses are anticipated to be minimal.

This bill would take effect September 1, 2017.

**Local Government Impact**

According to the Texas Municipal League, the bill would have no significant fiscal impact on municipalities.

**Source Agencies:** 302 Office of the Attorney General, 601 Department of Transportation

**LBB Staff:** UP, GP, AG, GG, BM