

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

April 2, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB627 by Schwertner (Relating to notice of a property owner's rights relating to the examination or survey of property by an entity with eminent domain authority.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Property Code and the Government Code relating to notice of a property owner's rights to the examination or survey of property by an entity with eminent domain authority. It grants a property owner the right to refuse a condemning authority entry onto their property for the purpose of inspecting or surveying the property as part of a condemnation action. It adds a provision to the Property Code that would require a condemning authority to present to any property owner whose land it wished to enter for inspection purposes a written permission form that must be signed by the property owner before the agents of the condemning authority enter the property. It requires the Attorney General's to add these provisions to the "Landowner's Bill of Rights and to publish an updated Landowner's Bill of Rights on the Internet no later than January 1, 2018.

According to the Department of Transportation, a fiscal impact for this legislation cannot be estimated. The agency surveys an average of 1,577 parcels a year for transportation projects and agency staff or one of its contractors approach the landowner for permission to enter and conduct the survey for each of these. The agency says is very rare that a landowner does not cooperate. If this bill were to result in more litigation any increased costs would need to be absorbed within the agency's budget.

According to the Office of the Attorney General, there is a possible increase in the number of pre-litigation cases as property owners are informed of their legal rights in eminent domain cases. Because the bill simply provides notice of the current legal rights that property owners have, any additional legal work could be reasonably absorbed within existing resources.

According to the Office of Court Administration, no significant fiscal impact on the state court system is anticipated.

According to the Board of Professional Land Surveying, any additional complaints would be processed along with existing complaints would not require special processing.

The bill would take effect on January 1, 2018.

Local Government Impact

According to the Texas Municipal League, the bill would increase the cost of condemning property for public works. While the amount of the increase cannot be determined and will vary from city to city these costs are anticipated to be significant.

According to the Texas Association of Counties, the bill could have a significant fiscal impact on counties.

Source Agencies: 212 Office of Court Administration, Texas Judicial Council, 302 Office of the Attorney General, 464 Board of Professional Land Surveying, 601 Department of Transportation

LBB Staff: UP, AG, GG, GP, JSm, JQ, BM