

BILL ANALYSIS

H.B. 1367
By: Harris
Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the threat of eminent domain in relation to the development of high-speed rail projects in Texas. It has been suggested that some property owners fear their property will be not only be condemned in service of this development but used later for an entirely different purpose. H.B. 1367 seeks to protect private property rights and provide property owners assurances regarding their property and eminent domain by prohibiting the use of property acquired for these projects for any other purpose and providing the owners an opportunity to repurchase the property in certain circumstances.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1367 amends the Transportation Code to prohibit a private entity that operates or plans to operate a high-speed rail project, represents itself as having the power of eminent domain, and acquires real property for a high-speed rail project from using the property for any purpose other than a high-speed rail project. The bill entitles a person from whom real property is acquired by such a private entity for a high-speed rail project, and the person's heirs, successors, and assigns, to notice and opportunity to repurchase the property before all other purchasers for the price paid to the owner by the entity at the time the entity acquired the property under certain circumstances. The bill exempts from the applicability of these provisions real property acquired by such a private entity that is not acquired through an eminent domain condemnation proceeding if, before the acquisition of the property:

- the entity acquiring the property gives written notice to the person from whom the property is to be acquired that the property may be used for a purpose other than a high-speed rail project; and
- the person from whom the property is to be acquired signs a statement acknowledging that the written notice was given.

The bill's provisions expressly do not affect the rights of a person from whom real property is acquired under eminent domain or any statutory right of an entity with the power of eminent domain. The bill establishes that the notice and repurchase entitlement under the bill's provisions follows the timelines and processes for notice and repurchase under statutory provisions relating to eminent domain. The bill applies to a private entity that represents itself as a railroad, whether or not the entity is a railroad, or as another entity that may exercise the power of eminent domain.

EFFECTIVE DATE

September 1, 2019.