

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

**FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION**

**March 10, 2019**

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

**FROM:** John McGeady, Assistant Director    Sarah Keyton, Assistant Director  
Legislative Budget Board

**IN RE:** SB553 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.), **As Introduced**

**No significant fiscal implication to the State is anticipated.**

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.

According to the Office of the Attorney General, any impact of the caseload of the agency could be absorbed with current staffing levels.

According to the Department of Transportation (TxDOT), the bill would not be anticipated to have a fiscal or operational impact on the agency. While TxDOT has the authority to acquire remainder properties that are not needed for the highway purpose the agency may not condemn the remainder tract and may only condemn that property which is needed for the highway purpose. In practice, TxDOT does not bundle land it will acquire by condemnation with land it will not acquire by condemnation. The proposed bill would require that should TxDOT choose to make an offer on a remainder tract, such offer would need to be separate from the offer on the property subject to condemnation; however, both offers could be contained in one document.

No significant fiscal implication to the State is anticipated.

**Local Government Impact**

According to the City of Houston, the bill could lead to additional appraisal costs and payment of greater damages in condemnation proceedings by condemning authorities.

According to the Texas Association of Counties, no significant fiscal impact to counties is anticipated.

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

**LBB Staff:** WP, CMa, SD, GP, JMO