

BILL ANALYSIS

Senate Research Center

S.B. 721
By: Schwertner et al.
State Affairs
5/14/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Eminent domain is the power of a governmental entity to acquire private property for a public use by providing adequate compensation. The state may also grant the power to private entities. While eminent domain can serve the greater good, it is a power ripe for abuse and misuse.

Currently, landowners are required to provide appraisals used at commissioner court hearings at least three business days before the hearing, but the statute does not provide the same requirement for condemning entities. Appraisals are necessary documentation that both a landowner and condemning entity use to prepare for the commissioner court hearing.

This bill attempts to make information equally available to the landowner and the entity with the power of eminent domain. S.B. 721 would require condemners to provide appraisals used at commissioner court hearings at least three business days before the hearing.

S.B. 721 amends current law relating to the disclosure of appraisal reports in connection with the use of eminent domain authority.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 21.0111, Property Code, by adding Subsection (a-1), to require that an entity seeking to acquire real property through the use of eminent domain, not later than the third business day before the date of a special commissioner's hearing, to disclose to the property owner any and all current and existing appraisal reports produced or acquired by the entity relating specifically to the owner's property and used in determining the entity's opinion of value, if an appraisal report is to be used at the hearing.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2021.