

**LEGISLATIVE BUDGET BOARD**

**Austin, Texas**

**FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION**

**April 9, 2021**

**TO:** Honorable Bryan Hughes, Chair, Senate Committee on State Affairs

**FROM:** Jerry McGinty, Director, Legislative Budget Board

**IN RE: SB726** by Schwertner (Relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.), **As Introduced**

**There is an indeterminate fiscal impact to the state from the provisions of the bill due to the case by case nature of the requirements on previous and future condemnations.**

Except for certain jurisdictions, the bill would amend the Property Code to increase from two to three the number of actions required by a condemning authority that make progress towards the development of the property that led to the condemnation action. Current statute establishes that failure to meet these requirements for "actual progress" within ten years of the date the property was acquired by condemnation entitles the original landowner to repurchase the real property.

According to the Department of Transportation, no determinable fiscal impact can be calculated; however, narrowing the definition of and increasing the standard to show "actual progress" could subject more of the property acquired by the agency for roadway purposes to a right of repurchase by the preceding landowner, which in turn could make long-term, advanced right of way acquisition and road planning more costly and difficult.

**Local Government Impact**

There would be a fiscal impact to local entities; however the amount cannot be determined. The fiscal impact to a local entity would vary depending on the amount of land eligible for repurchase under the provisions of the bill and the number of individuals seeking to repurchase such land.

**Source Agencies:** 304 Comptroller of Public Accounts, 305 General Land Office, 601 Department of Transportation, 802 Parks and Wildlife Department

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