

1-1 By: Kolkhorst S.B. No. 1812
 1-2 (In the Senate - Filed March 13, 2015; March 25, 2015, read
 1-3 first time and referred to Committee on Business and Commerce;
 1-4 April 23, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 23, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17			X	

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1812 By: Watson

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to transparency in the reporting and public availability
 1-22 of information regarding eminent domain authority; providing a
 1-23 civil penalty.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 2206, Government Code, is amended by
 1-26 adding Subchapter D to read as follows:

1-27 SUBCHAPTER D. EMINENT DOMAIN AUTHORITY REPORTING; PUBLIC
 1-28 AVAILABILITY

1-29 Sec. 2206.151. APPLICABILITY. This subchapter applies to
 1-30 public and private entities, including common carriers, authorized
 1-31 by the state by a general or special law to exercise the power of
 1-32 eminent domain.

1-33 Sec. 2206.152. CREATION DATE. For the purposes of this
 1-34 subchapter, an entity described by Section 2206.151 is considered
 1-35 to have been created on:

1-36 (1) the earliest date on which the entity existed if
 1-37 the entity was authorized to exercise the power of eminent domain on
 1-38 that date; or

1-39 (2) the earliest date on which the entity was
 1-40 authorized to exercise the power of eminent domain if the entity did
 1-41 not have that authority on the earliest date on which the entity
 1-42 existed.

1-43 Sec. 2206.153. EMINENT DOMAIN DATABASE. (a) The
 1-44 comptroller shall create and make accessible on an Internet website
 1-45 maintained by the comptroller an eminent domain database as
 1-46 provided by this section.

1-47 (b) The eminent domain database must include with respect to
 1-48 each entity described by Section 2206.151:

1-49 (1) the name of the entity;

1-50 (2) the entity's address and public contact
 1-51 information;

1-52 (3) the name of the appropriate officer or other
 1-53 person representing the entity and that person's contact
 1-54 information;

1-55 (4) the type of entity;

1-56 (5) each provision of law that grants the entity
 1-57 eminent domain authority;

1-58 (6) the focus or scope of the eminent domain authority
 1-59 granted to the entity;

1-60 (7) the location subject to the entity's eminent

2-1 domain authority;
2-2 (8) the earliest date on which the entity had the
2-3 authority to exercise the power of eminent domain;
2-4 (9) the entity's taxpayer identification number, if
2-5 any;
2-6 (10) whether the entity exercised the entity's eminent
2-7 domain authority in the preceding calendar year by the filing of a
2-8 condemnation petition under Section 21.012, Property Code; and
2-9 (11) the entity's Internet website address or, if the
2-10 entity does not operate an Internet website, contact information to
2-11 enable a member of the public to obtain information from the entity.
2-12 (c) The comptroller may consult with the appropriate
2-13 officer of, or other person representing, each entity to obtain the
2-14 information necessary to maintain the eminent domain database.
2-15 (d) To the extent information required in the eminent domain
2-16 database is otherwise collected or maintained by a state agency or
2-17 political subdivision, the comptroller may request and the state
2-18 agency or political subdivision shall provide that information and
2-19 any update to the information as necessary for inclusion in the
2-20 eminent domain database.
2-21 (e) At least annually, the comptroller shall update
2-22 information in the eminent domain database for each entity, as
2-23 appropriate.
2-24 (f) To the extent possible, the comptroller shall present
2-25 information in the eminent domain database in a manner that is
2-26 searchable and intuitive to users. The comptroller may enhance and
2-27 organize the presentation of the information through the use of
2-28 graphical representations as the comptroller considers
2-29 appropriate.
2-30 (g) The comptroller may not charge a fee to the public to
2-31 access the eminent domain database.
2-32 Sec. 2206.154. REPORTING OF INFORMATION TO THE COMPTROLLER.
2-33 (a) Except as provided by Subsection (b), not later than February
2-34 1 of each year, an entity described by Section 2206.151 shall submit
2-35 to the comptroller a report containing records and other
2-36 information specified by this subchapter for the purpose of
2-37 providing the comptroller with information to maintain the eminent
2-38 domain database under Section 2206.153. The entity shall submit
2-39 the report in a form and in the manner prescribed by the
2-40 comptroller.
2-41 (a-1) An entity described by Section 2206.151 created
2-42 before and in existence for at least 180 days on September 1, 2015,
2-43 shall submit the entity's initial report under Subsection (a) not
2-44 later than February 1, 2016. An entity described by Section
2-45 2206.151 created before and in existence for less than 180 days on
2-46 September 1, 2015, shall submit the entity's initial report under
2-47 Subsection (a) not later than the later of the 180th day after the
2-48 date of the entity's creation or February 1, 2016. This subsection
2-49 expires December 1, 2016.
2-50 (b) An entity described by Section 2206.151 created on or
2-51 after September 1, 2015, is not required to submit the entity's
2-52 initial report under Subsection (a) before the 180th day after the
2-53 date of the entity's creation.
2-54 (c) In addition to the annual report required under
2-55 Subsection (a), an entity described by Section 2206.151 shall
2-56 report to the comptroller any changes to the entity's eminent
2-57 domain authority information reported under this section not later
2-58 than the 90th day after the date on which the change occurred.
2-59 Sec. 2206.155. PENALTIES FOR NONCOMPLIANCE; EXPIRATION OF
2-60 EMINENT DOMAIN AUTHORITY. (a) An entity described by Section
2-61 2206.151 may not attempt to exercise the power of eminent domain by
2-62 making an offer under Section 21.0113, Property Code, or filing a
2-63 condemnation petition under Section 21.012, Property Code, at a
2-64 time when the entity has not reported information to the
2-65 comptroller as required by this subchapter.
2-66 (b) An entity that violates Subsection (a) is liable to the
2-67 state for a civil penalty not to exceed \$1,000. The attorney
2-68 general may sue to collect the penalty.
2-69 (c) The comptroller shall provide notice to an entity that

3-1 violates Subsection (a) that the entity has violated that
3-2 subsection and is liable for the civil penalty imposed by
3-3 Subsection (b).

3-4 (d) Not later than the 30th day after the date the
3-5 comptroller provides notice under Subsection (c) to an entity that
3-6 violated Subsection (a), the entity must report the required
3-7 information. If the comptroller certifies that the entity did not
3-8 make the report as required by this subsection, the entity's
3-9 authority to exercise the power of eminent domain expires on the day
3-10 after the date the comptroller makes the certification.

3-11 (e) The comptroller shall promptly make a certification
3-12 described by Subsection (d) when appropriate and post information
3-13 regarding the expiration of an entity's eminent domain authority
3-14 under this section in the eminent domain database maintained under
3-15 Section 2206.153.

3-16 Sec. 2206.156. RULES. The comptroller may adopt rules and
3-17 establish policies and procedures to implement this subchapter.

3-18 SECTION 2. The comptroller of public accounts shall create
3-19 and post on an Internet website maintained by the comptroller the
3-20 eminent domain database required by Section 2206.153, Government
3-21 Code, as added by this Act, not later than September 1, 2016.

3-22 SECTION 3. This Act takes effect immediately if it receives
3-23 a vote of two-thirds of all the members elected to each house, as
3-24 provided by Section 39, Article III, Texas Constitution. If this
3-25 Act does not receive the vote necessary for immediate effect, this
3-26 Act takes effect September 1, 2015.

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