



Legislative UPDATE

December 11, 2015
Number 42

Mandatory Eminent Domain Reporting

[Senate Bill 1812](#), passed during the 2015 legislative session, requires cities to fill out a web-based form with the comptroller relating to each city's statutory eminent domain authority. The form is due by **February 1, 2016**, and the failure to fill out the form could result in a \$1,000 penalty against the city. The electronic reporting form is available at:

<http://comptroller.texas.gov/webfile/eminant-domain/>

Most of the required information is self-explanatory, but League staff has inserted some commentary below that may be of assistance. The reporting consists of providing the following information:

- 1. The entity's full legal name.**
- 2. The entity's address and public contact information.**
- 3. The name and contact information of the appropriate officer, or other person representing the entity.**
- 4. The type of entity.**

Obviously, "city" is the type of entity. However, the form also allows an economic development corporation (EDC) to file, and it lists Local government Code Section 505.105 as that entity's authority. (While most attorneys would agree that an EDC uses the city's eminent domain authority on its behalf, it may nonetheless make sense to report for the EDC.)

Cities with other city-created entities should review the eminent domain authority of those entities to determine whether additional forms should be sent to the comptroller on their behalf. Some statutory provisions are very specific (e.g., authority of cities that have created municipal parking authorities or defense base management authorities, or even a city with a charter-created board of a municipally owned electric utility system that has certain financial obligations).

5. The legal provision(s) granting the entity’s eminent domain authority.

This section of the form is titled “Eminent Domain Provisions: Codes.” It asks “under what code(s) of the law has eminent domain authority been granted to this entity?”

The user selects the appropriate code (e.g., Local Government Code, etc.) and then selects the specific provisions (e.g., 251.001, etc.). Several provisions under each code can be selected by holding down the “control” key while clicking. The process is repeated for each additional code.

Each city should submit its own form after reviewing each of the provisions in these spreadsheets to determine whether they apply to that particular city. The following spreadsheets are available:

- [General law cities – basic provisions](#): Most general law cities will be fine submitting only the provisions listed in this spreadsheet.
- [Home rule cities – basic provisions](#): Most home rule cities will be fine submitting only the provisions listed in this spreadsheet.
- [Comprehensive list of all statutory provisions](#) granting eminent domain authority to cities.

6. The focus or scope of the eminent domain authority granted to the entity.

This section of the forms asks “what types of projects and/or purposes does this entity have eminent domain authority.”

For most cities, it makes sense to choose every project/purpose listed, except for “other.” (Only those cities with a specific project type that is authorized by law but not listed should choose “other” and enter a description.)

7. The earliest date the entity had authority to exercise the power of eminent domain.

For a city, enter the incorporation month and year in this section.

8. The entity’s taxpayer identification number, if any.

9. **Whether the entity exercised its eminent domain authority in the preceding calendar year by filing a condemnation petition under Section 21.012, Property Code.**
10. **The entity's Internet website address or, if the entity does not operate an Internet website, contact information to enable the public to obtain information from the entity.**

It may be appropriate to seek the assistance of local legal counsel to advise on the reporting. Please contact Scott Houston, TML's general counsel, with questions at shouston@tml.org or 512-231-7400.

Get Involved: TML Legislative Policy Committees

Your involvement in the development of the Texas Municipal League's 2017-2018 Legislative Program is critical to the League's success. The program is the "roadmap" by which League staff lobbies the Texas Legislature. The process starts in earnest next spring, and TML President C.J. Wax, Mayor of the City of Rockport, is seeking volunteers to provide input. No particular expertise is need. Volunteers need only have a willingness to learn and the ability to come to Austin for two full days in 2016.

Next year's topic-specific committees will be:

- **May 6:** Annexation and Regulation of Development.
- **May 27:** Revenue and Finance.
- **June 3:** Utilities and Transportation.

Service consists of appointment by the TML President to one of the above committees. Those committees will each meet once on the date indicated in Austin. All three will then combine to form the General Government Committee, which will meet on **August 19** in Austin. The General Government Committee will finish any topic-specific work and consider additional items.

The League's complete legislative policy development process is described [here](#). If you have questions or would like to volunteer for service on a legislative committee, please email JJ Rocha, TML Policy Analyst, at jj@tml.org. The deadline to apply is **December 23, 2015**. Please include your full contact information and your preferred topic-specific committee. Due to space limitations and other considerations, not all those who apply will be appointed to a committee, but will be considered for future volunteer opportunities.

Senate Property Tax Committee Begins Work

Last Monday, the Senate Select Committee on Property Tax Reform and Relief held an organizational meeting to gather basic property tax information from the comptroller and

generally discuss the committee's plans. Chairman Paul Bettencourt (R – Houston) announced that the committee will conduct up to seven public hearings across the state over the course of the next few months, with the first hearing taking place in San Antonio in late January.

It is widely believed that one goal of these hearings is to begin the push for harmful revenue caps heading into the 2017 legislative session. The League will monitor the public hearings of the committee in the coming months, and will provide updates so city officials will know when the meetings are coming to their region of the state.

Payday Lending Clearinghouse Updates

The League's "Payday Lending Clearinghouse" webpage, available at www.tml.org/payday-updates, includes information related to the regulation of payday and auto title lenders. It is updated from time-to-time to reflect recent developments. Interested city officials should note that the additional cities have adopted regulations, and some cities have slightly modified the model ordinance in response to a United States Supreme Court decision. For more information, visit the clearinghouse page.

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