



COALITION FOR
CRITICAL INFRASTRUCTURE
★ CONNECTING TEXANS ★

August 14, 2020

To: Chairman and Members
Texas House Committee on Land & Resource Management

From: Coalition for Critical Infrastructure
Lisa Kaufman, General Counsel, Texas Civil Justice League

Subject: Interim Charge 2 Comments
Landowner Bill of Rights

On behalf of the Coalition for Critical Infrastructure (CCI), thank you for the opportunity to provide comments regarding the committee's Interim Charge 2, which directs the committee to review "the efficacy of the Landowner's Bill of Rights (LBoR) in explaining to landowners the eminent domain process and their rights and responsibilities under Chapter 21 of the Property Code."

The Coalition for Critical Infrastructure (CCI) includes both public and private entities with condemnation authority that help make Texas the 10th largest economy in the world, care about the future of Texas, and are dedicated to the state's ability to grow and prosper. The Texas Constitution recognizes that the use of eminent domain to acquire property for infrastructure purposes benefits the citizenry, but is intended to be used only as a last resort. CCI strongly believes in a strong and durable framework that treats property owners respectfully and fairly, promotes the efficient and timely resolution of disputes, and strengthens long-term relationships between property owners and infrastructure development.

CCI concurs with many of the comments and frustrations of landowners with the current form of the LBoR. Consequently, for the past two legislative sessions CCI has advocated for simplifying the LBoR, stating the rights and obligations of landowners in straightforward, non-technical language, and providing the LBoR to landowners at the earliest possible opportunity in the right-of-way acquisition process. We also believe that it may be preferable for the Legislature to draft the specific form and language of the LBoR and enshrine that form and language directly in the statute. Putting the LBoR into the law, in our view, would provide enhanced transparency for both landowners and entities seeking to acquire right-of-way for infrastructure development, as well as giving

landowners the information they need in order to navigate the process to the best possible result for both parties.

To accomplish this purpose, CCI would be pleased to work with the committee to draft a LBoR that reflects this approach. We propose the language be inserted directly into Chapter 21, Property Code. Concurrently, Section 402.031, Government Code, which directs the Office of the Attorney General to prepare the Landowner Bill of Rights would be repealed.

CCI looks forward to working with the committee next session on reforms to the eminent domain process that provide transparency and accountability for landowners while maintaining the ability of Texas to build the infrastructure that our growing economy and population requires.

Thank you for the opportunity to submit this testimony and for your tireless service to the people of our state.