



July 10, 2019

To: Members, Texas Legislature
Subject: Eminent Domain SB 421/HB 991

In response to several misleading and inaccurate media reports and communications regarding the failure of eminent domain legislation this session, we feel compelled to set the record straight:

1. First and foremost, CCI wanted to pass meaningful eminent domain legislation during the 86th Legislative Session and the failure of SB 421 was a great disappointment to our coalition.
2. We negotiated in good faith throughout the entire process. In fact, throughout the interim following the 2017 legislative session, we offered to negotiate with landowner groups with the intention of reaching an agreement *prior to* the 2019 session convening. This offer was declined. We were not privy to the filed versions of SB 421/HB 991 until they became public on January 23, 2019.
3. We never reached agreement as to all aspects of the bill. Any claim to the contrary is simply untrue.
4. The version that passed the Senate was NOT an “agreed to” bill. Although CCI agreed to changes that enhanced transparency and accountability, we never agreed to the provisions that exposed entities, taxpayers, and consumers to increased litigation costs and project delays.
5. Once SB 421 reached the House, we worked with Chairman Craddick and other members to draft compromise language on the parts of the bill that were not resolved in the Senate. We did not reject negotiated language; but never reached an agreement on several key components.
6. Additionally, we were assured that we would have an opportunity to vet final language with those directly responsible for compliance. That opportunity never came.
7. The only “agreement” was to move forward with the House version to get the bill into a conference committee.
8. CCI was not privy to any counter proposal or conference committee report by Senator Kolkhorst prior to the conference committee report deadline. Thus, it would have been impossible for us to reject such a proposal, as claimed by some landowner groups.

For the 18 months prior to the 86th Legislative Session, beginning with the House Land & Resources Management Committee interim hearings, until Sunday, May 26th, 2019, the last day to adopt conference committee reports, we worked in good faith to pass meaningful eminent domain reform. CCI again stands ready and willing to work on a compromise legislation during the upcoming interim. Circulating false, misleading, and inflammatory statements aimed at members of the Legislature and the entities that provide much-needed critical infrastructure does not provide a basis for meaningful reform.

As always, we appreciate your interest in crafting a well-reasoned and balanced approach to infrastructure development that both protects private property rights and keeps the Texas economy on the move. We look forward to working with you again next session on this important issue. Please call on us if we can provide further information. CCI representatives can be reached at 512-320-0474.