



March 11, 2019

The Honorable Dan Patrick
Lt. Governor of Texas
P. O. Box 12068
Austin, Texas 78711-2068
Dan.Patrick@ltgov.texas.gov

RE: **Senate Bill 421** Eminent Domain Bill

Dear Lt. Governor Patrick:

On behalf of the several of the largest chambers of commerce in Texas, we want to share our opposition to Senate Bill 421 as filed.

On March 4, the Texas Senate State Affairs Committee held a public hearing on Senate Bill 421, which would fundamentally alter the eminent domain process in Texas in a manner that would cripple the ability to expand essential services to Texans. This bill is opposed by a broad and diverse coalition of entities whose responsibility it is to meet the needs of this growing state.

We are grateful that last session the Senate and bill sponsor reached out and reworked the introduced version of Senate Bill 740 to a workable document that significantly addressed the concerns raised by landowners and public and private entities. The engrossed version passed the Senate 28-3. Industry was unopposed to this version because it took a more balanced approach.

We, along with our other industry partners, remain committed to finding an approach that improves the system for landowners, but that does not thwart the growth of Texas, delay much needed infrastructure of all varieties and incentivize lawsuits. Unfortunately, Senate Bill 421 as filed, does not meet this test. Being landowners ourselves, we know the importance of private property.

Our concerns are that Senate Bill 421:

1. Incentivizes and actually encourages litigation. The bill has subjective provisions that create a prize for litigation which will encourage cases to go to special commissioners' court and district court.
2. Mandates hearing provisions replete with procedural "gotchas" making compliance virtually unattainable. Hearing requirements mandated in the bill are more onerous than any other similar hearing requirements for other entities in Texas and would add measures to stop or bring projects to a screeching halt.
3. Introduces technical procedures and vague concepts into conveyance documents by mandating language that is functionally unworkable in reaching compliance. Courts would be clogged with attempting to discern compliance because companies would have such uncertainty in meeting the requirements.

Thank you for your continued leadership on this issue. We have and continue to work on acceptable and workable alternatives, but cannot agree to onerous provisions that result in a more adversarial process that will delay or stop much needed projects essential to all Texans. While you have our commitment to produce a balanced approach to this issue, we respectfully ask that no bill be advanced that would have such a profoundly negative impact on Texas.

Should you have any questions or need more information on this letter you can contact Priscilla Camacho, Senior Vice President of Public Policy, Dallas Regional Chamber at pcamacho@dallaschamber.org or at 210-326-3751.

Thank you for your attention to this matter and your service to our state.

With thanks,

Dale Petroskey, President and CEO, Dallas Regional Chamber
Michael Jacobson, President and CEO, Arlington Chamber of Commerce
Cleo Rodriguez Jr., President and CEO, United Corpus Christi Chamber of Commerce
David Michael Jerome, President and CEO, El Paso Chamber of Commerce
Tony Felker, President and CEO, Frisco Chamber of Commerce
Bob Harvey, President and CEO, Greater Houston Partnership
Beth A. Bowman, President and CEO, Greater Irving-Las Colinas Chamber of Commerce
Lisa Hermes, President and CEO, McKinney Chamber of Commerce
Ken S. Malcomson, President and CEO, North Dallas Chamber of Commerce
Chris Wallace, President and CEO, North Texas Commission
Jamee Jolly, President and CEO, Plano Chamber of Commerce
Bill Sproull, President and CEO, Richardson Chamber of Commerce
Richard Perez, President and CEO, San Antonio Chamber of Commerce

cc:// The Honorable Joan Huffman, Chair
The Honorable Brian Birdwell
The Honorable Brandon Creighton
The Honorable Pat Fallon
The Honorable Bob Hall
The Honorable Bryan Hughes
The Honorable Eddie Lucio, Jr.
The Honorable Jane Nelson
The Honorable Judith Zaffirini
The Honorable Lois Kolthorst