

By: Corte

H.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the use of eminent domain by certain governmental entities and development corporations.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle E, Title 10, Government Code, is amended by adding Chapter 2206 to read as follows:

CHAPTER 2206. PROHIBITION ON USE OF EMINENT DOMAIN BY CERTAIN STATE AND LOCAL ENTITIES FOR ECONOMIC DEVELOPMENT PURPOSES

Sec. 2206.001. PROHIBITION ON EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies only to:

(1) an institution of higher education, as defined by Section 61.003, Education Code;

(2) a political subdivision of this state, including a municipality operating under Chapter 374, Local Government Code; or

(3) a corporation created by a political subdivision of this state under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes).

(b) An entity to which this section applies may not take private property through the use of the power of eminent domain if a primary purpose of the taking is for economic development. This section does not affect the authority of the entity to take private property for:

(1) a road, street, or highway;

(2) utility services; or

1 (3) infrastructure related to a project described by
2 Subdivision (1) or (2).

3 SECTION 2. This Act takes effect immediately if it receives
4 a vote of two-thirds of all the members elected to each house, as
5 provided by Section 39, Article III, Texas Constitution. If this
6 Act does not receive the vote necessary for immediate effect, this
7 Act takes effect November 1, 2005.