

By: Van Arsdale

H.B. No. 86

A BILL TO BE ENTITLED

AN ACT

relating to the use of the power of eminent domain.

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

SECTION 1. Subtitle G, Title 10, Government Code, is amended by adding Chapter 2307 to read as follows:

CHAPTER 2307. CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES

Sec. 2307.001. DEFINITION. In this chapter, "governmental entity" means the state, a political subdivision of the state, or a governmental entity created by the Texas Constitution or a statute of this state. The term includes a municipality operating under Chapter 374, Local Government Code, an institution of higher education, and 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).

Sec. 2307.002. CONDEMNATION FOR ECONOMIC DEVELOPMENT PURPOSES PROHIBITED. Notwithstanding any other law, a governmental entity or any other entity to which the Texas Constitution or a statute of this state grants the power of eminent domain may not take private property through the use of the power of eminent domain for any of the following purposes:

(1) to promote or effect economic development or rejuvenation;

(2) to create jobs;

(3) to generate tax revenue;

1           (4) to create leisure or recreational opportunities;

2   or

3           (5) to create aesthetic pleasure.

4           SECTION 2. The change in law made by this Act applies only  
5 to the taking of property for which a condemnation petition is filed  
6 on or after the effective date of this Act. The taking of property  
7 for which a condemnation petition is filed before the effective  
8 date of this Act is governed by the law in effect immediately before  
9 that date, and that law is continued in effect for that purpose.

10          SECTION 3. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect on the 91st day after the last day of the  
15 legislative session.