

By: Woolley

H.B. No. 116

A BILL TO BE ENTITLED

AN ACT

relating to limiting the use of eminent domain to take private property for economic development purposes.

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. LIMITATION ON USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES. (a) This section applies to the use of eminent domain under the laws of this state by any governmental or private entity, including:

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

(2) a political subdivision of this state; or

(3) a corporation created by a governmental entity to act on behalf of the entity.

(b) A governmental or private entity may not take private property through the use of eminent domain if the taking is for economic development purposes.

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for utility services.

SECTION 2. This Act takes effect immediately if it receives

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