

By: Shapleigh

S.B. No. 78

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

CHAPTER 2206. CONDEMNATION FOR ECONOMIC DEVELOPMENT OR RECOUPMENT

PURPOSES

Sec. 2206.001. DEFINITION. In this chapter, "economic development" means efforts to promote prosperity and comfort in a community, stimulate the economy, expand employment opportunities, encourage the establishment and growth of commerce and industry, or expand the property and sales tax base.

Sec. 2206.002. CONDEMNATION FOR ECONOMIC DEVELOPMENT OR RECOUPMENT. Private property may not be taken through the use of eminent domain:

(1) to raise revenue to meet the cost of a public project if the property being taken is not otherwise necessary for the successful operation of that public project; or

(2) if a purpose of the taking is economic development unless:

(A) there is a definite public right or use in the purpose to which the property is to be devoted;

(B) the taking of the property is reasonably necessary for the successful operation of a public project in which

1 there is a definite public right or use; or

2 (C) the taking prevents a menace to the health,
3 safety, morals, and welfare of citizens.

4 SECTION 2. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect on the 91st day after the last day of the
9 legislative session.