

By: Corte

H.B. No. 66

A BILL TO BE ENTITLED

AN ACT

relating to the exercise of the power of eminent domain.

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

SECTION 1. (a) Before September 1, 2007:

(1) a political subdivision of this state or any other entity may not take private property by eminent domain for economic development in furtherance of:

(A) any economic or industrial development plan under the Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes); or

(B) a community development or urban renewal plan under Chapter 373 or 374, Local Government Code; and

(2) the Tarrant Regional Water District, operating under Chapter 268, Acts of the 55th Legislature, Regular Session, 1957, may not take private property by eminent domain.

(b) This section applies to a taking of private property by eminent domain pending on the effective date of this Act. For purposes of this section, a taking is pending if a condemnation petition is filed under Section 21.012, Property Code, and a judgment awarding possession of the property to the condemning entity has not become final.

(c) This section expires January 1, 2008.

SECTION 2. (a) An interim committee is created to study the use of the power of eminent domain.

1 (b) The interim committee consists of:

2 (1) five members of the senate appointed by the
3 lieutenant governor; and

4 (2) five members of the house of representatives
5 appointed by the speaker of the house of representatives.

6 (c) The speaker of the house of representatives shall
7 designate one member of the house of representatives appointed to
8 the committee to act as co-chair. The lieutenant governor shall
9 designate one senator appointed to the committee to act as
10 co-chair.

11 (d) The interim committee shall:

12 (1) study the use of the power of eminent domain,
13 including:

14 (A) the use of the power of eminent domain for
15 economic development purposes; and

16 (B) the components of compensation awarded to
17 owners of property taken through the power of eminent domain,
18 including whether the replacement value of the property or other
19 components should be taken into consideration to fully compensate
20 property owners; and

21 (2) prepare a report of the committee's study for the
22 80th Legislature.

23 (e) The report required by Subsection (e)(2) of this section
24 must be filed with the lieutenant governor and the speaker of the
25 house of representatives not later than November 1, 2006.

26 (f) This section expires January 1, 2007.

27 SECTION 3. 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 on the 91st day after the last day of the
5 legislative session.