

By: Armbrister

S.B. No. 41

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, the state, a political subdivision of this state, or any other entity may not take private property by eminent domain in furtherance of:

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

(2) a community development program or urban renewal plan developed primarily for economic development purposes under Chapter 373 or 374, Local Government Code.

(b) This section expires January 1, 2008.

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

(b) The interim committee consists of:

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

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

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

1 co-chair.

2 (d) The interim committee shall:

3 (1) study the use of the power of eminent domain,
4 including:

5 (A) the use of the power of eminent domain for
6 economic development purposes; and

7 (B) the components of compensation awarded to
8 owners of property taken through the power of eminent domain,
9 including whether the replacement value of the property or other
10 components should be taken into consideration to fully compensate
11 property owners; and

12 (2) prepare a report of the committee's study for the
13 80th Legislature.

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

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

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