

By: Davis of Dallas

H.B. No. 3302

A BILL TO BE ENTITLED

AN ACT

relating to the use of eminent domain authority for the purpose of the acquisition of real property for public use.

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

SECTION 1. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.010 to read as follows:

Sec. 21.010. DEFINITION OF PUBLIC USE. (a) In this chapter, "public use" means:

(1) the exclusive possession, occupation, or use of property by the general public, this state, or a political subdivision of this state;

(2) the operations of a public utility;

(3) transportation projects, including public roads and highways;

(4) the elimination of blight; or

(5) the acquisition of property is by unanimous consent of each identified person with a legal claim to the property;

(b) Public use does not include:

(1) benefit of economic development;

(2) acquiring property to be leased or sold, or portions of the acquired property to be leased or sold to a private entity or business.

SECTION 2. Section 373.003(3), Local Government Code, is

1 amended to read as follows:

2 (3) "Blighted area" means an area that is not a slum area,
3 but that, because of deteriorating buildings, structures, or other
4 improvements; [~~defective or inadequate streets, street layout, or~~
5 ~~accessibility~~]; unsanitary conditions; or other hazardous
6 conditions, adversely affects the public health, safety, morals,
7 or welfare of the municipality and its residents, substantially
8 retards the provision of a sound and healthful housing environment,
9 or results in an economic or social liability to the municipality.
10 The term includes an area certified as a disaster area as provided
11 by Section 374.903.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2007.