

By: Jackson, Mike

S.B. No. 1791

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a review by the sunset commission of the eminent domain  
3 authority of special districts and the abolition of that authority  
4 unless continued by the legislature.

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

6 SECTION 1. Chapter 325, Government Code, is amended by  
7 adding Section 325.023 to read as follows:

8 Sec. 325.023. REVIEW OF EMINENT DOMAIN AUTHORITY OF SPECIAL  
9 DISTRICTS. (a) In this section, "special district" means a  
10 political subdivision of this state with a limited geographic area  
11 created by local law or under general law for a special purpose.  
12 The term does not include a school district.

13 (b) Unless expressly continued by law, the powers of eminent  
14 domain of all special districts are abolished and may not be  
15 exercised by any special district after September 1, 2009.

16 (c) The commission shall review the eminent domain  
17 authority of special districts and report its findings to the 81st  
18 Legislature. The report must include:

19 (1) an assessment of the purposes for which special  
20 districts use the power of eminent domain and of whether those  
21 purposes and the manner in which special districts use the power  
22 promote the public interest;

23 (2) an assessment of the extent to which the power of  
24 eminent domain is necessary to further the purposes of special

1 districts; and

2 (3) recommendations on the abolition, continuation,  
3 or modification of the power of eminent domain of special  
4 districts.

5 (d) In conducting the review, the commission shall:

6 (1) review the use of the power of eminent domain by  
7 all special districts or, if that review is not feasible, by as many  
8 special districts as necessary to allow the commission to provide  
9 accurate assessments and recommendations under Subsection (c); and

10 (2) provide through public hearings an opportunity for  
11 the public to comment on the use of the power of eminent domain by  
12 special districts.

13 (e) A special district shall cooperate with the review  
14 conducted by the commission under this section. A special district  
15 shall give to the commission any information the commission  
16 requests.

17 (f) The commission may adopt rules and procedures necessary  
18 to implement this section.

19 (g) This subsection and Subsections (c), (d), and (e) expire  
20 on September 1, 2009.

21 SECTION 2. This Act takes effect September 1, 2007.