

By: Keffer

H.B. No. 3105

A BILL TO BE ENTITLED

AN ACT

relating to the applicability of the Private Real Property Rights Preservation Act to certain governmental actions.

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

SECTION 1. Section 2007.003(a), Government Code, is amended to read as follows:

(a) This chapter applies only to the following governmental actions:

(1) the adoption or issuance of an ordinance, rule, regulatory requirement, resolution, policy, guideline, or similar measure;

(2) an action that imposes a physical invasion or requires a dedication or exaction of private real property;

(3) an action by a municipality that:  
(A) has effect in the extraterritorial jurisdiction of the municipality, excluding annexation, and that enacts or enforces an ordinance, rule, regulation, or plan that does not impose identical requirements or restrictions in the entire extraterritorial jurisdiction of the municipality; or

(B) damages, destroys, impairs, or prohibits development of a mineral interest; and

(4) enforcement of a governmental action listed in Subdivisions (1) through (3), whether the enforcement of the governmental action is accomplished through the use of permitting,

1 citations, orders, judicial or quasi-judicial proceedings, or  
2 other similar means.

3         SECTION 2. The change in law made by Section 2007.003(a),  
4 Government Code, as amended by this Act, applies only to an action  
5 the effective date of which occurs on or after the effective date of  
6 this Act. An action the effective date of which occurs before the  
7 effective date of this Act is covered by the law in effect when the  
8 conduct occurred, and the former law is continued in effect for that  
9 purpose.

10         SECTION 3. This Act takes effect September 1, 2011.