

By: Campbell

S.B. No. 1785

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to governmental actions affecting the use or value of  
3 private property.

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

5 SECTION 1. Section 2007.002(d)(5), Government Code, is  
6 amended to read as follows:

7 (5) "Taking" means:

8 (A) a governmental action that affects private  
9 real property, in whole or in part or temporarily or permanently, in  
10 a manner that requires the governmental entity to compensate the  
11 private real property owner as provided by the Fifth and Fourteenth  
12 Amendments to the United States Constitution or Section 17 or 19,  
13 Article I, Texas Constitution; or

14 (B) a governmental action that:

15 (i) affects an owner's private real  
16 property that is the subject of the governmental action, in whole or  
17 in part or temporarily or permanently, in a manner that restricts or  
18 limits the owner's right to the property that would otherwise exist  
19 in the absence of the governmental action; and

20 (ii) is the producing cause of a reduction  
21 of at least 20 [~~25~~] percent in the market value of the affected  
22 private real property, determined by comparing the market value of  
23 the property as if the governmental action is not in effect and the  
24 market value of the property determined as if the governmental

1 action is in effect.

2 SECTION 2. Subchapter A, Chapter 2007, Government Code, is  
3 amended by adding Section 2007.0035 to read as follows:

4 Sec. 2007.0035. USE OF PROPERTY. The legislature finds  
5 that a real property owner has a vested right in property uses that  
6 is protected under the constitution of this state.

7 SECTION 3. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2015.