

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 22, 2015

TO: Honorable Joan Huffman, Chair, Senate Committee on State Affairs

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: SB178 by Nichols (Relating to prohibiting the use of eminent domain to take private property for recreational purposes.), **As Introduced**

This bill would reduce the ability of state agencies to use eminent domain to obtain recreational land which could result in increased costs to the state. However, insufficient data exist to determine the extent to which agencies use eminent domain for this purpose. Therefore, the fiscal impact of the bill cannot be estimated.

The bill would specify that a governmental or private entity may not take private property through eminent domain for recreational purposes. The bill defines "recreational purpose" to include: a parks and recreation system, or improvements or additions to a parks and recreation system, including sidewalks, or an area or facility that is part of a parks and recreation system; and a park, greenbelt, or trail.

The bill would eliminate the ability of the Parks and Wildlife Department to acquire park sites through the use of condemnation/eminent domain.

Local Government Impact

According to the Texas Municipal League (TML), no fiscal impact to municipalities is anticipated. Cities currently pay for purchased property regardless of whether it was acquired through eminent domain or other circumstances. TML also noted that if the cost to purchase a property was too significant, a city could opt out of the purchase.

According to the Texas Association of Counties, the fiscal impact on counties that condemn and acquire properties could be significant, but it is impossible to determine how many properties would be acquired through the condemnation process for parks and greenbelts, and the value of those properties. Bexar County anticipates no significant fiscal impact. Harris County reported that the bill would have a significant impact. The acquisition of parks and recreational facilities would be limited since the county would only be able to purchase from willing owners. Harris County also anticipates the purchase price for land may increase.

Source Agencies: 582 Commission on Environmental Quality, 601 Department of Transportation, 802 Parks and Wildlife Department

LBB Staff: UP, AG, JJ, BRi, TL, KVe