86R12865 PMO-D

By:  Zaffirini S.B. No. 2147

A BILL TO BE ENTITLED

AN ACT

relating to the development of a method to determine the value of certain real property for purposes of eminent domain.

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

SECTION 1.  Chapter 12, Agriculture Code, is amended by adding Section 12.049 to read as follows:

Sec. 12.049.  VALUATION OF CERTAIN INVESTMENTS IN LAND. (a) For purposes of determining the value of property in an eminent domain proceeding under Chapter 21, Property Code, the department shall develop a method an appraiser may use to assess the value of investments made in a property owner's real property in an effort to meet soil, water, or air quality standards established by a state or federal certification process.

(b)  The method developed under Subsection (a) must provide an objective means to quantify any enhancement in the value of real property that results from an investment described by Subsection (a).

SECTION 2.  Section 21.041, Property Code, is amended to read as follows:

Sec. 21.041.  EVIDENCE. As the basis for assessing actual damages to a property owner from a condemnation, the special commissioners shall admit evidence on:

(1)  the value of the property being condemned;

(2)  the injury to the property owner;

(3)  the benefit to the property owner's remaining property; [~~and~~]

(4)  the use of the property for the purpose of the condemnation; and

(5)  the enhanced value of the property resulting from investments described by Section 12.049, Agriculture Code.

SECTION 3.  This Act takes effect September 1, 2019.