88R3017 KBB-D

By:  Eckhardt S.B. No. 201

A BILL TO BE ENTITLED

AN ACT

relating to the assessment of damages resulting from the condemnation of property that is subject to a conservation easement.

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

SECTION 1.  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)  if the property is subject to a conservation easement created under Chapter 183, Natural Resources Code, the local market value of the property based on the property's highest and best use without consideration of the property's conservation easement status.

SECTION 2.  Subchapter C, Chapter 21, Property Code, is amended by adding Section 21.0422 to read as follows:

Sec. 21.0422.  ASSESSMENT OF DAMAGES: CONSERVATION EASEMENTS. (a) Notwithstanding Section 21.042(b), if an entire tract or parcel that is subject to a conservation easement created under Chapter 183, Natural Resources Code, is condemned, the damage to the property owner is an amount equal to the local market value of the property based on the property's highest and best use without consideration of the property's conservation easement status.

(b)  Notwithstanding Section 21.042(c), if a portion of a tract or parcel that is subject to a conservation easement created under Chapter 183, Natural Resources Code, is condemned, the special commissioners shall determine the damage to the property owner after estimating the extent of the injury and benefit to the property owner:

(1)  based on the property's highest and best use without consideration of the property's conservation easement status; and

(2)  including the effect of the condemnation on the value of the property owner's remaining property, based on the remaining property's highest and best use without consideration of the remaining property's conservation easement status.

SECTION 3.  The changes in law made by this Act apply only to a condemnation proceeding commenced on or after the effective date of this Act.  A condemnation proceeding commenced before the effective date of this Act is governed by the law applicable to the condemnation proceeding immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 4.  This Act takes effect September 1, 2023.