

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

1 EASEMENTS. (a) Notwithstanding Section 21.042(b), if an entire  
2 tract or parcel that is subject to a conservation easement created  
3 under Chapter 183, Natural Resources Code, is condemned, the damage  
4 to the property owner is an amount equal to the local market value  
5 of the property based on the property's highest and best use without  
6 consideration of the property's conservation easement status.

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

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

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

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

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