

## **BILL ANALYSIS**

Senate Research Center  
80R5364 EJI-D

S.B. 576  
By: Nichols  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Current law does not adequately protect property owners from losing their property for non-essential recreational purposes.

As proposed, S.B. 576 prohibits governmental entities from using eminent domain to build parks and recreational trails. It additionally repeals statutory authority granted to the Texas Parks and Wildlife Department to use eminent domain for state park purposes.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 2206, Government Code, by adding Section 2206.002, as follows:

Sec. 2206.002. PROHIBITION OF EMINENT DOMAIN FOR RECREATIONAL PURPOSES. (a) Provides that this section applies to the use of eminent domain under all laws of the state by any governmental or private entity, including specified entities.

(b) Prohibits a governmental or private entity from taking private property for recreational purposes through the use of eminent domain.

(c) Provides that this section does not affect the authority of an entity authorized by law to take private property by use of eminent domain for purposes listed in Section 2206.001(c) unless that purpose is considered recreational under Subsection (d).

(d) Defines "recreational purpose."

(e) Provides that this section does not affect the authority of a governmental entity to condemn a leasehold estate on property owned by the governmental entity.

(f) Provides that the determination by a governmental or private entity proposing to take property that the taking is not for recreational purposes does not create the presumption that the taking is not, in fact, for recreational purposes.

SECTION 2. Amends Section 21.103(a), Parks and Wildlife Code, as follows:

(a) Authorizes the Parks and Wildlife Department to acquire park sites, including property already devoted to public use, by purchase or any other manner permitted by law. Deletes existing text relating to acquiring property by condemnation.

SECTION 3. Repealer: Sections 13.305 (Condemnation Proceedings) and 21.103(c) (relating to the department's requirement to use eminent domain), Parks and Wildlife Code.

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: September 1, 2007.