

## BILL ANALYSIS

Senate Research Center  
79S10676 DRH-D

S.B. 62  
By: Janek  
State Affairs  
6/30/2005  
As Filed

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

Currently, the Texas Constitution permits condemnation of land for public use. Previous to the United States Supreme Court ruling in *Kelo et al. v. City of New London et al*, public use was understood to be for parks, roads, and other objectives. In light of this recent ruling allowing the taking of private property for economic development purposes, public use needs to be redefined.

As proposed, S.B. 62 prohibits the taking of private property by eminent domain through public use for economic development.

### 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 Subtitle E, Title 10, Government Code, by adding Chapter 2206, as follows:

#### CHAPTER 2206. LIMITATION ON USE OF EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR ECONOMIC DEVELOPMENT PURPOSES. (a) Sets forth the entities to which this section applies regarding the use of eminent domain under the laws of this state by any governmental or private entity.

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

(c) Provides that this section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for utility services.

SECTION 2. Effective date: upon passage or November 1, 2005.