

## **BILL ANALYSIS**

Senate Research Center

C.S.S.J.R. 3

By: Duncan

State Affairs

3/7/2007

Committee Report (Substituted)

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

Past legislatures have often granted the power of eminent domain or condemnation through local and uncontested calendars of both houses.

C.S.S.J.R. 3 proposes a constitutional amendment to require that a grant of such power be fully debated in the floor of each house to ensure that the public is aware when the legislature grants the power of eminent domain or condemnation.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article III, Texas Constitution, by adding Section 67, as follows:

Sec. 67. (a) Prohibits a law granting the power of eminent domain enacted after January 1, 2007, from taking effect unless approved by a two-thirds vote of the membership in each house. Requires the yeas and nays to be recorded in the journal of the appropriate house.

(b) Invalidates a law to which this section applies that is enacted before the effective date of this section and that is not approved in the manner required by Subsection (a) of this section on the date this section takes effect.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 6, 2007. Sets forth the required language for the ballot.