

BILL ANALYSIS

Senate Research Center

S.J.R. 42
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State Affairs
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This constitutional amendment addresses *Kelo v. City of London*, 545 U.S. 469 (2005). In that decision, the Supreme Court held that the city's development plan to provide economic development served a public purpose and therefore constituted a public use under the takings clause of the Fifth Amendment of the U.S. Constitution. In dicta, the Supreme Court indicated that states could further restrict public use.

As proposed, S.J.R. 42 provides that public use does not include acquisition of property for the primary purpose of 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 Section 17, Article 1, Texas Constitution, as follows:

Sec. 17. Creates Subsection (a) from existing text. Makes no changes to this subsection.

(b) Provides that in this section, "public use" does not include the acquisition of a private property interest for the primary purpose of economic development when the acquired property interest is transferred to the benefit of a private person or entity.

SECTION 2. Requires the proposed constitutional amendment to be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.