

## **BILL ANALYSIS**

Senate Research Center  
79S10330 DRH-D

S.J.R. 10  
By: Deuell  
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 such objectives. In light of this recent ruling allowing the taking of private property for economic development purposes, clarification of the use of eminent domain is needed.

S.J.R. 10 proposes a constitutional amendment to prohibit a political subdivision of this state from taking property through the use of eminent domain if the primary purpose of the taking is 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 Article I, Texas Constitution, by adding Section 17A, to prohibit a political subdivision of this state from taking private property through the use of the power of eminent domain if a primary purpose of the taking is for economic development.

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held November 8, 2005. Sets forth the appropriate language of the ballot.