

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATURE 1st CALLED SESSION - 2005**

**June 30, 2005**

**TO:** Honorable Robert Duncan, Chair, Senate Committee on State Affairs

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: SB62** by Janek (Relating to limiting the use of eminent domain to take private property for economic development purposes.), **As Introduced**

<b>Fiscal implications to the state cannot be determined.</b>
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The bill would amend the Government Code to prohibit the taking of private property by a governmental entity, including an institution of higher education or a private entity, through the use of eminent domain if the taking is for economic development purposes. Provisions of the bill would not apply to the taking of private property through eminent domain for utility services.

Based on the analysis of the Texas Department of Transportation (TxDOT), it is assumed the bill could affect the state's use of eminent domain to acquire property for transportation-related purposes.

The bill would take effect immediately upon receiving a vote of two-thirds of all members elected to each house or otherwise on November 1, 2005.

**Local Government Impact**

The fiscal impact to units of local government cannot be determined. Based on analysis by the Texas Department of Transportation, it is assumed the bill could affect local entities' use of eminent domain for transportation-related purposes. It is assumed other uses of eminent domain by local entities also could be affected.

**Source Agencies:** 601 Department of Transportation

**LBB Staff:** JOB, SR, MW, TG, DLBa