

LEGISLATIVE BUDGET BOARD
Austin, Texas

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

July 7, 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 private parties or economic development purposes.), **Committee Report 1st House, Substituted**

No fiscal implication to the State is anticipated.

The bill would amend the Government Code to prohibit the taking of private property by a governmental or private entity, including a state agency, an institution of higher education, a political subdivision of this state, or a corporation created by a governmental entity to act on that entity's behalf, through the use of eminent domain under certain circumstances. The proposed change in statute would not apply to the use of eminent domain for transportation projects, including railroads, ports, airports, or public roads or highways, or the provision of utility services.

The bill would take effect immediately if it receives the required two-thirds vote in each house; otherwise, it would take effect on November 1, 2005.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation

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