

BILL ANALYSIS

Senate Research Center
79S20021 DRH-D

S.B. 7
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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 objectives. In light of this recent ruling allowing the taking of private property for economic development purposes, public use needs to be redefined.

S.B. 7 prohibits the taking of private property by eminent domain through public use 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 Subtitle E, Title 10, Government Code, by adding Chapter 2206, as follows:

CHAPTER 2206. LIMITATIONS ON USE OF EMINENT DOMAIN

Sec. 2206.001. LIMITATION ON EMINENT DOMAIN FOR PRIVATE PARTIES OR ECONOMIC DEVELOPMENT PURPOSES. (a) Sets forth the entities to which this section applies regarding the use of eminent domain under the laws of this state by any governmental or private entity.

(b) Prohibits a governmental or private entity from taking private property through the use of eminent domain if the taking is for certain purposes.

(c) Provides that this section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for certain public services.

SECTION 2. Amends Section 21.001, Property Code, as follows:

Sec. 21.001. Provides that district courts and county courts at law have concurrent jurisdiction in eminent domain cases in every county in the state, notwithstanding any other law.

SECTION 3. Amends Section 21.013, Property Code, as follows:

Sec. 21.013. New heading: VENUE; FEES AND PROCESSING FOR ACTION FILED IN DISTRICT COURT. (a) Makes no changes to this subsection.

(b) Deletes existing text relating related to a county in which there is one or more county courts at law with jurisdiction. Requires a party initiating a condemnation proceeding, except where otherwise provided by law, to file the petition with any clerk authorized to handle such filings for a court, rather than that court or courts, that has jurisdiction in eminent domain case.

(c) Deletes existing text related to a party initiating a condemnation proceeding in a certain county.

(d) Makes no changes to this subsection.

SECTION 4. Amends Section 203.052, Transportation Code, by adding Subsection (c), to prohibit the Texas Transportation Commission from condemning property for certain purposes, with specific exceptions.

SECTION 5. Sets forth the creation of an interim committee to study the use of the power of eminent domain, the appointment procedures for that committee, its purposes, and reporting procedures.

SECTION 6. Makes application of Sections 21.001 and 21.013, Property Code, as amended by this Act, prospective.

SECTION 7. Effective date: upon passage or the 91st day after adjournment.