

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 20, 2007

TO: Honorable Anna Mowery, Chair, House Committee on Land & Resource Management

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

IN RE: HJR12 by Solomons (Proposing a constitutional amendment relating to the public taking of private property for private use.), **As Introduced**

Fiscal implications to the state, other than the cost of publication, cannot be determined.

The cost to the state for publication of the resolution is \$77,468.

The resolution would propose an amendment to the Texas Constitution to specify that the public taking of private property, except as otherwise provided for by the Legislature, is permitted only if the taking public entity will ultimately use and own the property, and the taking is not permitted if taking will transfer ownership or possession of all or part of the property to another person for private use.

Based on the analysis of the Texas Department of Transportation, it is assumed that the constitutional amendment could affect the state's use of eminent domain for transportation-related purposes.

The proposed constitutional amendment would take effect if approved by voters at an election to be held on November 6, 2007.

Local Government Impact

If the voters approve the proposed constitutional amendment, a political subdivision would be limited in its exercising the powers of eminent domain. It is unknown how many potential public takings the change would result in prohibiting, and therefore no fiscal impact can be determined.

Source Agencies: 305 General Land Office and Veterans' Land Board, 601 Department of Transportation

LBB Staff: JOB, WK, MW, TG, DB