

BILL ANALYSIS

S.B. 655
By: Birdwell
Special Purpose Districts
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties contend that Texas has been blurring the distinction between public purpose and public use in regard to eminent domain and that both Texas statutes and judicial decisions have often allowed eminent domain to be used for a public purpose despite certain state constitutional language specifying the use of eminent domain for a public use. The interested parties note that while the Texas Legislature recently eliminated certain public purpose language in statutes regarding certain entities, public purpose language still remains in Texas law in several places in regard to other entities. S.B. 655 seeks to address this issue by establishing provisions relating to the exercise of the power of eminent domain by certain authorized entities.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 655 amends the Special District Local Laws Code to restrict the exercise of the power of eminent domain by an entity authorized by law to exercise such power and governed by provisions of the code relating to water and wastewater only to the exercise of the power for a public use in accordance with certain provisions of the Texas Constitution relating to the taking, damaging, or destroying of property for a public use.

S.B. 655 amends the Water Code to restrict the exercise of the power of eminent domain by an entity authorized by law to exercise such power and governed by the code only to the exercise of the power for a public use in accordance with such constitutional provisions.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.