Eminent Domain Reform and SB 18/HB 279
A Policy Statement of the Texas Wildlife Association

With the decision of *Kelo v. New London*, the U.S. Supreme Court shattered the historic, philosophical foundation of private property rights by allowing governments to seize private property in the name of economic development. In response, the Texas Legislature passed SB 7 in 2005 to help define “public use,” and Proposition 11 passed in November 2009 prohibiting the *Kelo*-type taking for economic development in Texas.

While the state law and constitutional amendment were critical, additional work remains. Current eminent domain law is tilted heavily in the favor of condemning entities. Condemning entities can legally offer property owners less than market value for their property without fear of repercussion. They also do not have to pay for all of the damages property owners incur as a result of the condemnation. These issues of fairness need to be addressed in Texas law to recognize the sacrifice these property owners are forced to make for the growth of our state.

TWA supports Senate Bill 18 by Estes and Duncan, and House Bill 279 by Geren, which address these issues by:

- requiring condemning entities make a bona fide (good faith) offer before beginning condemnation procedures;
- compensating for impairment of access to any remaining property;
- not allowing the taking of private property unless it is for a legitimate public use;
- improving notice and disclosure by condemning entities;
- applying condemnation rules to all condemning entities;
- requiring relocation assistance to displaced property owners;
- providing property owners the opportunity to buy back property at the original purchase price if the taken property is not used for its public purpose in ten years.

Texas Wildlife Association asks for your support of S.B. 18 by Estes and HB 279 by Geren.

Join the effort and sign on at [www.protectyourhomeandland.com](http://www.protectyourhomeandland.com)

ABOUT US: The Texas Wildlife Association is a non-profit organization established in 1985 to represent private land stewards, land managers, hunters and anglers from across the state of Texas. Our members care for and control almost 40 million acres of rangeland and wildlife habitat that are key components of Texas’ upstream watersheds. Because the majority of land in Texas is privately owned, the involvement of private land stewards is critical in establishing Texas’ long-term conservation policies.

Contacts:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kirby Brown</td>
<td>Vice President, Public Policy</td>
<td>(210) 213-2805</td>
<td><a href="mailto:kbrown@texas-wildlife.org">kbrown@texas-wildlife.org</a></td>
</tr>
<tr>
<td>Joey Park</td>
<td>Lobbyist</td>
<td>(512) 293-4136</td>
<td><a href="mailto:joepark@austin.rr.com">joepark@austin.rr.com</a></td>
</tr>
<tr>
<td>Honorable Gib Lewis</td>
<td>Former Speaker</td>
<td>(512) 478-1881</td>
<td><a href="mailto:glewiss@lewislabel.com">glewiss@lewislabel.com</a></td>
</tr>
<tr>
<td>Gary Joiner</td>
<td>Chief Executive Officer</td>
<td>(210) 826-2904</td>
<td><a href="mailto:gjoiner@texas-wildlife.org">gjoiner@texas-wildlife.org</a></td>
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