



SENATOR CHARLES SCHWERTNER, MD

SENATE DISTRICT 5

FOR IMMEDIATE RELEASE

Contact: Tom Holloway

February 6, 2015

(512) 923-5944

Schwertner Files Eminent Domain Bill to Protect Private Property Rights

SB 479 will protect the rights of private property owners by increasing the requirements on governmental entities that exercise eminent domain authority.

AUSTIN -- Today, Senator Charles Schwertner (R-Georgetown) filed legislation to provide private property owners with greater protections from abuse of eminent domain authority. Current law allows a governing body to use its eminent domain authority to take private property for a public use, so long as they provide the property owner with adequate compensation. Schwertner's SB 479 would strengthen the requirements that a governmental entity must comply with in order to prove "actual progress" towards its stated public use. If the entity fails to do so within 10 years, the landowner is entitled to repurchase the land for the original purchase price.

"I believe governments should only use their eminent domain authority as a last resort, but the truth is, it's a power rampant with abuse and misuse," said Schwertner. "Texas has a storied history of defending private property rights, and this legislation will preserve that proud tradition by holding government more accountable."

In 2011, the Legislature bolstered the rights of private property owners by requiring any entity exercising eminent domain authority to make "actual progress" towards its stated public use and permitted a landowner to repurchase the land after 10 years if actual progress had not been made. Unfortunately, the law's definition of "actual progress" is unnecessarily broad and does not provide adequate protection from abuse.

SB 479 strengthens the definition of "actual progress" by requiring a governmental entity exercising its eminent domain authority to complete at least three of the following property development actions: (1) perform significant labor on the property; (2) purchase materials for development; (3) procure the services of an architect, engineer, or surveyor in preparation for development; (4) apply for state or federal funds for development; or (5) apply for a state or federal permit needed for development.

"It's important that the legislature reestablish the rights of private property owners, prevent government abuse, and encourage more timely use of property acquired through eminent domain," continued Schwertner. "While eminent domain is commonly used for the greater good, it's a power that can be easily abused."

In November 2014, Dr. Charles Schwertner was overwhelmingly reelected to serve the citizens of Senate District 5, a ten-county region of central and east Texas.

###