

Comptroller Assessment of Eminent Domain Authority

HB 4116 by Rep. Pitts

AECT Position: Amend

Proposal

- HB 4116 would require the state comptroller to adopt uniform rules regarding the purchase and acquisition of property by and for the state or a political subdivision of the state.
- The bill adds a definition of “public use” as “a use of property...that allows the state, a political subdivision of the state, or the general public of the state to possess, occupy, and enjoy the property.”
- Section three of HB 4116 would require that by January 1, 2011, the comptroller shall identify all public and private entities with eminent domain authority and make recommendations to the Legislature and the Governor regarding which entities have, need or should have eminent domain authority, whether the authority should be continued, expanded or limited, and the potential effect of doing so.

AECT Position

- For many years, public utilities have been granted the right of eminent domain to facilitate the orderly and cost-effective construction of transmission and distribution facilities to serve the general public.
- AECT is concerned that section three of HB 4116 fails to prescribe a process or the standards by which the comptroller will determine which entities have, need or should have eminent domain authority; whether such authority should be continued, expanded or limited; and the potential effect of doing so.
- AECT believes that section three should be amended to afford public utilities the opportunity to advocate and defend, if necessary, their continuing use of the right of eminent domain.