

## **BILL ANALYSIS**

Senate Research Center  
80R6516 EJI-D

S.B. 743  
By: Carona  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Under current law, a judge is authorized to appoint three individuals to serve as special commissioners in eminent domain condemnation proceedings who are charged with assessing the value of the property in question. This law requires the special commissioners to be "freeholders" who also reside in the same county as the property that is the subject of the eminent domain condemnation proceeding. The term "freeholder" is an antiquated term that means an individual is a landowner in that county. The requirement that a special commissioner also be a freeholder excludes individuals who do not own property in the county, even if they live in the county, from serving as special commissioners.

As proposed, S.B. 743 requires a special commissioner in such eminent domain condemnation proceedings to be a registered voter, rather than a "freeholder."

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 21.014(a), Property Code, to require the judge of a court in which a condemnation petition is filed or to which an eminent domain case is assigned to appoint three disinterested registered voters of the county in which the property is located, rather than three disinterested freeholders who reside in the county, as special commissioners to assess the damages of the owner of the property being condemned.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2007.