

**Bill Summary**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 41</b>
<b>Version:</b>	<b>INT</b>
<b>Request No.:</b>	<b>441</b>
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**Bill Analysis**

SB 41 prohibits taking or damaging private property by a condemning authority unless the taking or damage is necessary for a public use and with just compensation. The measure clarifies that the public purpose or public benefit of economic development including an increase in tax base, tax revenues, employment, or general economic health, does not constitute a public use. The measure requires the condemning authority to prove that land, real estate, premises, or other property the authority seeks to acquire is required for the public use stated in the petition for condemnation and that public use stated in the petition for condemnation cannot be accomplished by using or acquiring property that offers similar access with the consent of the owner. Owners of private property so condemned have the right to have a court determine whether private property is being taken for a public or private use. The measure preempts governmental bodies subordinate to the state from expanding or creating eminent domain in the absence of statutory authority.

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