



The Senate of
The State of Texas

SENATOR RODNEY ELLIS
District 13

PRESIDENT PRO TEMPORE
1999 - 2000

April 17, 2012

The Honorable Greg Abbott
Office of the Attorney General
P O Box 12548
Austin, TX 78711-2548

RE: Request for Attorney General's Opinion

Dear Attorney General Abbott:

I am writing to request an opinion from your office on an issue that has arisen from the passing of Senate Bill 18 (82nd Regular Session).

As you know, Senate Bill 18 passed last year and made changes to Texas law regarding the use of eminent domain. It has been brought to my attention that there is some confusion regarding the definition of "political subdivision" within the new statute, as well as whether or not certain aspects of the new statute affect specific political subdivisions.

I believe the ultimate questions for your office are:

- What is the definition of "political subdivision" as discussed in Subchapter A, Sec. 2206.001?
- Does the definition of "political subdivision" under Subchapter A, Sec. 2206.001 include cities, counties, the state, water utility districts, river authorities, gas and electric utility companies, railroads, or any other quasi-condemning authority?
- Is the definition of "political subdivision" limited to condemning authorities who also have taxing authority?
- Do the relocation benefits discussed in Sec. 21.046 (a) and (b) apply to transactions that close by agreement and do not go to condemnation?

Thank you for your consideration of these important questions.

Sincerely,

Rodney Ellis
Chair, Senate Committee on Government Organization

COMMITTEES:

Chair, Government Organization
Criminal Justice
Transportation & Homeland Security
State Affairs

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