

By: Corte, Bonnen, Hilderbran, Campbell,
Oliveira, et al.

H.J.R. No. 19

A JOINT RESOLUTION

1 proposing a constitutional amendment to restrict the state or a
2 political subdivision from taking private property for the primary
3 purpose of economic development or to benefit a particular class of
4 identifiable individuals.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article I, Texas Constitution, is amended by
7 adding Section 17A to read as follows:

8 Sec. 17A. (a) The state or a political subdivision of the
9 state may not take private property through the use of the power of
10 eminent domain if the primary purpose of the taking is for economic
11 development or to benefit a particular class of identifiable
12 individuals.

13 (b) This section does not affect the authority of a
14 political subdivision to take private property, as authorized by
15 law, through the use of eminent domain for a municipal sports and
16 community venue project and related infrastructure that are
17 approved by the voters of the political subdivision at an election
18 held on or before December 1, 2005.

19 (c) If property that is a homestead is located in a
20 municipality and is taken under the power of eminent domain and if a
21 purpose of the taking is economic development, the owner of the
22 homestead property is entitled to compensation in an amount equal
23 to the greater of:

24 (1) the actual damages resulting from the taking of

1 the homestead property; or

2 (2) the value necessary to replace the homestead
3 property with comparable other property in the municipality.

4 (d) The legislature may provide by general law the actions
5 that are considered to be takings for economic development purposes
6 or to benefit a particular class of identifiable individuals under
7 Subsection (a) of this section.

8 (e) The determination of the state or political subdivision
9 that the primary purpose of the state's or political subdivision's
10 taking of private property is not for economic development or to
11 benefit a particular class of identifiable individuals does not
12 create a presumption with respect to the primary purpose of the
13 taking. The primary purpose of a taking is a question of fact.

14 SECTION 2. This proposed constitutional amendment shall be
15 submitted to the voters at an election to be held November 8, 2005.
16 The ballot shall be printed to permit voting for or against the
17 proposition: "The constitutional amendment to restrict the state
18 or a political subdivision from taking private property for
19 economic development purposes or to benefit a particular class of
20 identifiable individuals."