

By: Shapleigh

S.J.R. No. 15

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit taking of property  
2 through eminent domain for economic development, except in certain  
3 circumstances, or to raise certain revenue.

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

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

7 Sec. 17A. (a) In this section, "economic development"  
8 means efforts to promote prosperity and comfort in a community,  
9 stimulate the economy, expand employment opportunities, encourage  
10 the establishment and growth of commerce and industry, or expand  
11 the property and sales tax base.

12 (b) Private property may not be taken through the use of  
13 eminent domain:

14 (1) to raise revenue to meet the cost of a public  
15 project if the property being taken is not otherwise necessary for  
16 the successful operation of that public project; or

17 (2) if a purpose of the taking is economic development  
18 unless:

19 (A) there is a definite public right or use in the  
20 purpose to which the property is to be devoted;

21 (B) the taking of the property is reasonably  
22 necessary for the successful operation of a public project in which  
23 there is a definite public right or use; or

24 (C) the taking prevents a menace to the health,

1 safety, morals, and welfare of citizens.

2         SECTION 2. This proposed constitutional amendment shall be  
3 submitted to the voters at an election to be held November 8, 2005.  
4 The ballot shall be printed to permit voting for or against the  
5 proposition: "The constitutional amendment to prohibit the taking  
6 of private property through the use of eminent domain if a purpose  
7 of the taking is economic development, except in specified  
8 circumstances, or to raise certain revenue."