

By: Corte

H.J.R. No. 11

A JOINT RESOLUTION

1 proposing a constitutional amendment to prohibit 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) The determination of the state or political subdivision  
20 that the primary purpose of the state's or political subdivision's  
21 taking of private property is not for economic development or to  
22 benefit a particular class of identifiable individuals does not  
23 create a presumption with respect to the primary purpose of the  
24 taking. The primary purpose of a taking is a question of fact.

1           SECTION 2. This proposed constitutional amendment shall be  
2 submitted to the voters at an election to be held November 8, 2005.  
3 The ballot shall be printed to permit voting for or against the  
4 proposition: "The constitutional amendment to prohibit the state  
5 or a political subdivision from taking private property for the  
6 primary purpose of economic development or to benefit a particular  
7 class of identifiable individuals."