

By: Solomons

H.J.R. No. 12

A JOINT RESOLUTION

1 proposing a constitutional amendment relating to the public taking
2 of private property for private use.

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

4 SECTION 1. Section 17, Article I, Texas Constitution, is
5 amended to read as follows:

6 Sec. 17. (a) No person's property shall be taken, damaged
7 or destroyed for or applied to public use without adequate and just
8 compensation being made, unless by the consent of such person; and,
9 when taken, except for the use of the State, such compensation shall
10 be first made, or secured by a deposit of money; and no irrevocable
11 or uncontrollable grant of special privileges or immunities, shall
12 be made; but all privileges and franchises granted by the
13 Legislature, or created under its authority shall be subject to the
14 control thereof.

15 (b) Except as otherwise expressly provided for by the
16 Legislature, the authority granted by this section:

17 (1) is permitted only if the public, a public agency,
18 or a public utility will ultimately use and own the property taken,
19 damaged, or destroyed; and

20 (2) is not permitted if the taking will transfer
21 ownership or possession of all or part of the property taken,
22 damaged, or destroyed to another person for private use.

23 SECTION 2. This proposed constitutional amendment shall be
24 submitted to the voters at an election to be held November 6, 2007.

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1 The ballot shall be printed to provide for voting for or against the
2 proposition: "The constitutional amendment to limit the power of
3 eminent domain to property taken for public use."