

BILL ANALYSIS

Senate Research Center

H.J.R. 14
By: Corte et al. (Duncan)
State Affairs
5/20/2009
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Both the United States Constitution and the Texas Constitution require that the taking of private property be for a public use, and that when an authorized entity takes private property for a public use it must fairly compensate the owner for the property taken. This bill amends the Texas Constitution to more clearly define the circumstances under which a person's private property may be taken for a public use, and what compensation is required in such cases.

H.J.R. 14 proposes a constitutional amendment to limit the public taking of private property.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 17, Article I, Texas Constitution, as follows:

Sec. 17. (a) Creates this subsection from existing text. Provides that no person's property shall be taken, damaged, or destroyed for or applied to public use without adequate and just compensation being made, unless by the consent of such person, and only if the taking, damage, or destruction is necessary for the elimination of urban blight on a particular parcel of property or the possession, occupation, and enjoyment of the property by a common carrier, by an entity providing utility service, by an entity that provides telecommunications service, video service, or cable service to which the law grants eminent domain authority, by the public at large, by the State, or by a political subdivision of the State; and, when taken, except for the use of the State, such compensation shall be first made, or secured by a deposit of money; and no irrevocable or uncontrollable grant of special privileges or immunities shall be made; but all privileges and franchises granted by the Legislature, or created under its authority, to be subject to the control thereof. Makes a nonsubstantive change.

(b) Provides that for the purposes of this section, adequate compensation for the taking of property that is a homestead or farm, if the taking makes relocation of the homestead or farm necessary, includes the cost of relocation from the condemned property to another property that allows the property owner, without the necessity of incurring an amount of debt, debt service, or total projected interest obligation that is higher than the property owner was subject to immediately before the taking to have a standard of living comparable to the property owner's standard of living immediately before the taking, if the property taken is a homestead; or operate a comparable farm, if the property taken is a farm.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 3, 2009. Sets forth the required language of the ballot.