

By: Corte, Hilderbran, Anderson, Paxton,
Hughes, et al.

H.J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of
2 private property.

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 only if the taking, damage, or destruction is necessary for the
10 elimination of urban blight on a particular parcel of property or
11 the possession, occupation, and enjoyment of the property by a
12 common carrier, by an entity providing utility service, by an
13 entity that provides telecommunications service, video service, or
14 cable service to which the law grants eminent domain authority, by
15 the public at large, by the State, or by a political subdivision of
16 the State; and, when taken, except for the use of the State, such
17 compensation shall be first made, or secured by a deposit of money;
18 and no irrevocable or uncontrollable grant of special privileges or
19 immunities[7] shall be made; but all privileges and franchises
20 granted by the Legislature, or created under its authority, shall
21 be subject to the control thereof.

22 (b) For the purposes of this section, adequate compensation
23 for the taking of property that is a homestead or farm, if the
24 taking makes relocation of the homestead or farm necessary,

1 includes the cost of relocation from the condemned property to
2 another property that allows the property owner, without the
3 necessity of incurring an amount of debt, debt service, or total
4 projected interest obligation that is higher than the property
5 owner was subject to immediately before the taking to:

6 (1) have a standard of living comparable to the
7 property owner's standard of living immediately before the taking,
8 if the property taken is a homestead; or

9 (2) operate a comparable farm, if the property taken
10 is a farm.

11 SECTION 2. This proposed constitutional amendment shall be
12 submitted to the voters at an election to be held November 3, 2009.
13 The ballot shall be printed to permit voting for or against the
14 proposition: "The constitutional amendment to prohibit the taking,
15 damaging, or destroying of private property for public use unless
16 the action is necessary for the elimination of urban blight on a
17 particular parcel of property or the possession, occupation, and
18 enjoyment of the property by a common carrier, an entity providing
19 utility service, an entity that provides telecommunications
20 service, video service, or cable service to which the law grants
21 eminent domain authority, the public, the state, or a political
22 subdivision, and to require compensation for homesteads and farms
23 taken in certain circumstances where the use is public and
24 necessary to include the cost of relocating to a comparable
25 property."