

By: Davis of Dallas

H.J.R. No. 65

A JOINT RESOLUTION

1 proposing a constitutional amendment to require compensation for
2 certain property taken where the use is public and necessary.

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,
7 damaged, or destroyed for or applied to public use without adequate
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[7]
12 shall be made; but all privileges and franchises granted by the
13 Legislature, or created under its authority, shall be subject to
14 the control thereof.

15 (b) For the purposes of this section, adequate compensation
16 for the taking of property that is a homestead or farm, if the
17 taking makes relocation of the homestead or farm necessary,
18 includes the cost of relocation from the condemned property to
19 another property that allows the property owner, without the
20 necessity of incurring an amount of debt, debt service, or total
21 projected interest obligation that is higher than the property
22 owner was subject to immediately before the taking to:

23 (1) have a standard of living comparable to the
24 property owner's standard of living immediately before the taking,

1 if the property taken is a homestead; or
2 (2) operate a comparable farm, if the property taken
3 is a farm.

4 SECTION 2. This proposed constitutional amendment shall be
5 submitted to the voters at an election to be held November 3, 2009.
6 The ballot shall be printed to permit voting for or against the
7 proposition: "The constitutional amendment to require
8 compensation for homesteads and farms taken in certain
9 circumstances where the use is public and necessary to include the
10 cost of relocating to a comparable property."