

By: Christian

H.J.R. No. 96

A JOINT RESOLUTION

1 proposing a constitutional amendment to define a public use for
2 which property may be taken, damaged, or destroyed.

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 or
7 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, 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) In this section, "public use" means a use of property
16 that allows the state, a political subdivision of the state, or the
17 general public of the state to possess, occupy, and enjoy the
18 property, including the use of property for:

19 (1) transportation projects, including, but not
20 limited to, railroads, airports, or public roads or highways;

21 (2) entities authorized under Section 59, Article XVI,
22 of this constitution, including port authorities, navigation
23 districts, and any other conservation or reclamation districts that
24 act as ports;

1 (3) water supply, wastewater, flood control, and
2 drainage projects;

3 (4) public buildings, hospitals, and parks;

4 (5) the provision of utility services;

5 (6) a sports and community venue project approved by
6 voters at an election held on or before December 1, 2005, under
7 Chapter 334 or 335, Local Government Code, as those chapters
8 existed on or before December 1, 2005;

9 (7) the operations of:

10 (A) a common carrier pipeline; or

11 (B) an energy transporter, as that term is
12 defined by Section 186.051, Utilities Code, as that section existed
13 on January 1, 2009;

14 (8) a purpose authorized by Chapter 181, Utilities
15 Code, as that chapter existed on January 1, 2009;

16 (9) underground storage operations subject to Chapter
17 91, Natural Resources Code, as that chapter existed on January 1,
18 2009;

19 (10) a waste disposal project; or

20 (11) a library, museum, or related facility and any
21 infrastructure related to the facility.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held on November 3,
24 2009. The ballot shall be printed to permit voting for or against
25 the proposition: "The constitutional amendment to define a public
26 use for which property may be taken, damaged, or destroyed."