

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 81st Legislature, Regular Session, 2009, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Joint Resolution 14
6 (constitutional amendments limiting the public taking of private
7 property, establishing the national research university fund to
8 fund emerging research universities, and eliminating the higher
9 education fund) to consider and take action on the following
10 matter:

11 House Rule 13, Sections 9(a)(1) and (4), are suspended to
12 allow the conference committee to change and add text on a matter
13 that is not in disagreement in proposed amendments to Section 17,
14 Article I, Texas Constitution, so that the proposed Section 17
15 reads as follows:

16 SECTION 1.01. Section 17, Article I, Texas Constitution, is
17 amended to read as follows:

18 Sec. 17. (a) No person's property shall be taken, damaged,
19 or destroyed for or applied to public use without adequate
20 compensation being made, unless by the consent of such person, and
21 only if the taking, damage, or destruction is for:

22 (1) the ownership, use, and enjoyment of the property,
23 notwithstanding an incidental use, by:

24 (A) the State, a political subdivision of the

1 State, or the public at large; or

2 (B) an entity granted the power of eminent domain
3 under law; or

4 (2) the elimination of urban blight on a particular
5 parcel of property.

6 (b) In this section, "public use" does not include the
7 taking of property under Subsection (a) of this section for
8 transfer to a private entity for the primary purpose of economic
9 development or enhancement of tax revenues.

10 (c) On or after January 1, 2010, the legislature may enact a
11 general, local, or special law granting the power of eminent domain
12 to an entity only on a two-thirds vote of all the members elected to
13 each house.

14 (d) When a person's property is taken under Subsection (a)
15 of this section [~~and, when taken~~], except for the use of the
16 State, [~~such~~] compensation as described by Subsection (a) shall be
17 first made, or secured by a deposit of money; and no irrevocable or
18 uncontrollable grant of special privileges or immunities[~~7~~] shall
19 be made; but all privileges and franchises granted by the
20 Legislature, or created under its authority, shall be subject to
21 the control thereof.

22 Explanation: The changes and additions are necessary to
23 provide that on and after January 1, 2010, the legislature may enact
24 a law granting the power of eminent domain to an entity only on a
25 two-thirds vote of all the members elected to each house.

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H.R. No. 3061

Speaker of the House

I certify that H.R. No. 3061 was adopted by the House on May 31, 2009, by the following vote: Yeas 143, Nays 1, 2 present, not voting.

Chief Clerk of the House