

By: Duncan, Nichols

S.J.R. No. 42

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to prohibit the taking of
3 property for transfer to a private entity for certain purposes.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 17, Article I, Texas Constitution, is
6 amended to read as follows:

7 Sec. 17. (a) No person's property shall be taken, damaged
8 or destroyed for or applied to public use without adequate
9 compensation being made, unless by the consent of such person; and,
10 when taken, except for the use of the State, such compensation shall
11 be first made, or secured by a deposit of money; and no irrevocable
12 or uncontrollable grant of special privileges or immunities, shall
13 be made; but all privileges and franchises granted by the
14 Legislature, or created under its authority shall be subject to the
15 control thereof.

16 (b) In this section, "public use" does not include the
17 taking of property by the state or a political subdivision of the
18 state for transfer to a private entity for the primary purpose of
19 economic development or enhancement of tax revenues.

20 SECTION 2. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 3, 2009.
22 The ballot shall be printed to permit voting for or against the
23 proposition: "The constitutional amendment to prohibit the taking
24 of property for transfer to a private entity for the primary purpose

1 of economic development or enhancement of tax revenues."