

By: Duncan

S.J.R. No. 42

1 SENATE JOINT RESOLUTION

2 proposing a constitutional amendment to prohibit the taking of
3 property for certain economic development purposes.

4 BE IT RESOLVED 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 acquisition of a private property interest for the primary purpose
18 of economic development when the acquired property interest is
19 transferred to the benefit of a private person or entity.

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 certain economic development purposes."