

1-1 By: Duncan S.J.R. No. 42
1-2 (In the Senate - Filed March 13, 2009; March 31, 2009, read
1-3 first time and referred to Committee on State Affairs; May 7, 2009,
1-4 reported adversely, with favorable Committee Substitute by the
1-5 following vote: Yeas 9, Nays 0; May 7, 2009, sent to printer.)

1-6 COMMITTEE SUBSTITUTE FOR S.J.R. No. 42 By: Duncan

1-7 SENATE JOINT RESOLUTION

1-8 proposing a constitutional amendment to prohibit the taking of
1-9 property for certain purposes.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Section 17, Article I, Texas Constitution, is
1-12 amended to read as follows:

1-13 Sec. 17. (a) No person's property shall be taken, damaged
1-14 or destroyed for or applied to public use without adequate
1-15 compensation being made, unless by the consent of such person; and,
1-16 when taken, except for the use of the State, such compensation shall
1-17 be first made, or secured by a deposit of money; and no irrevocable
1-18 or uncontrollable grant of special privileges or immunities, shall
1-19 be made; but all privileges and franchises granted by the
1-20 Legislature, or created under its authority shall be subject to the
1-21 control thereof.

1-22 (b) In this section, "public use" does not include the
1-23 taking of property by the state or a political subdivision of the
1-24 state for transfer to a private entity for the primary purpose of
1-25 economic development or enhancement of tax revenues.

1-26 SECTION 2. This proposed constitutional amendment shall be
1-27 submitted to the voters at an election to be held November 3, 2009.
1-28 The ballot shall be printed to permit voting for or against the
1-29 proposition: "The constitutional amendment to prohibit the taking
1-30 of property for certain purposes."

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