

Suspending limitations on conference committee
jurisdiction, H.J.R. No. 14

By: Duncan

S.R. No. 1108

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Joint Resolution No. 14 (constitutional amendments limiting the public taking of private property, establishing the national research university fund to fund emerging research universities, and eliminating the higher education fund) to consider and take action on the following matter:

Senate Rules 12.03(1) and (4) are suspended to allow the conference committee to change and add text on a matter that is not in disagreement in proposed amendments to Section 17, Article I, Texas Constitution, so that the proposed Section 17 reads as follows:

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

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

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

(A) the State, a political subdivision of the State, or the public at large; or

(B) an entity granted the power of eminent

domain under law; or

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

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

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

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

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

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 31, 2009.

Secretary of the Senate