

By: Corte, Hilderbran, et al.

H.J.R. No. 14

Substitute the following for H.J.R. No. 14:

By: Homer

C.S.H.J.R. No. 14

A JOINT RESOLUTION

1 proposing a constitutional amendment to limit the public taking of
2 private property.

3 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

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

6 Sec. 17. No person's property shall be taken, damaged, or
7 destroyed for or applied to public use without adequate and just
8 compensation being made, unless by the consent of such person, and
9 only if the taking, damage, or destruction is necessary for the
10 possession, occupation, and enjoyment of the property by a common
11 carrier, by an entity providing utility service, by the public at
12 large, by the State, or by a political subdivision of the State;
13 and, when taken, except for the use of the State, such compensation
14 shall be first made, or secured by a deposit of money; and no
15 irrevocable or uncontrollable grant of special privileges or
16 immunities[7] shall be made; but all privileges and franchises
17 granted by the Legislature, or created under its authority, shall
18 be subject to the control thereof.

19 SECTION 2. This proposed constitutional amendment shall be
20 submitted to the voters at an election to be held November 3, 2009.
21 The ballot shall be printed to permit voting for or against the
22 proposition: "The constitutional amendment to prohibit the taking,
23 damaging, or destroying of private property for public use unless
24 the action is necessary for the possession, occupation, and

1 enjoyment of the property by a common carrier, an entity providing
2 utility service, the public, the state, or a political
3 subdivision."