

EHJR 1057

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

THE STATE SENATE
Monday, April 3, 2006

ENGROSSED

House Joint
Resolution No. 1057
As Amended

ENGROSSED HOUSE JOINT RESOLUTION NO. 1057 - By: LIOTTA, DUNCAN, CALVEY, DANK, PERRY, TIBBS, ARMES, AUFFET, BILLY, COODY, COOKSEY, DENNEY, DePUE, DORMAN, HARRISON, JONES, KERN, MARTIN, McMULLEN, McPEAK, MILLER (Doug), NANCE, PETERSON (Pam), PETERSON (Ron), PRUETT, REYNOLDS, ROUSSELOT, SHERRER, SHUMATE, SULLIVAN, TERRILL, THOMPSON, TREBILCOCK, WESSELHOFT, SMITHSON and BRANNON of the House and JOLLEY of the Senate.

[Joint Resolution - Constitutional amendment - ballot title - filing]

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 2ND SESSION OF THE 50TH OKLAHOMA LEGISLATURE:

SECTION 1. The Secretary of State shall refer to the people for their approval or rejection, as and in the manner provided by law, the following proposed amendment to Section 24 of Article II of the Constitution of the State of Oklahoma to read as follows:

Section 24. Private property shall not be taken or damaged for public use without just compensation. Just compensation shall mean the value of the property taken, and in addition, any injury to any part of the property not taken. Any special and direct benefits to the part of the property not taken may be offset only against any

1 injury to the property not taken. Such compensation shall be
2 ascertained by a board of commissioners of not less than three
3 freeholders, in such manner as may be prescribed by law. Provided
4 however, in no case shall the owner be required to make any payments
5 should the benefits be judged to exceed damages. The commissioners
6 shall not be appointed by any judge or court without reasonable
7 notice having been served upon all parties in interest. The
8 commissioners shall be selected from the regular jury list of names
9 prepared and made as the Legislature shall provide. Any party
10 aggrieved shall have the right of appeal, without bond, and trial by
11 jury in a court of record. Until the compensation shall be paid to
12 the owner, or into court for the owner, the property shall not be
13 disturbed, or the proprietary rights of the owner divested. When
14 possession is taken of property condemned for any public use, the
15 owner shall be entitled to the immediate receipt of the compensation
16 awarded, without prejudice to the right of either party to prosecute
17 further proceedings for the judicial determination of the
18 sufficiency or insufficiency of such compensation. The fee of land
19 taken by common carriers for right of way, without the consent of
20 the owner, shall remain in such owner subject only to the use for
21 which it is taken. In all cases of condemnation of private property
22 for public or private use, the determination of the character of the
23 use shall be a judicial question. In determining the character of

1 the use for the judicial question, public use shall not mean the
2 public benefits of private development, including but not limited
3 to, an increase in tax base, tax revenues, employment, or general
4 economic health, except that the taking of land to remedy a
5 demonstrable harm to the public health and safety may continue to be
6 deemed a public use.

7 SECTION 2. The Ballot Title for the proposed Constitutional
8 amendment as set forth in SECTION 1 of this resolution shall be in
9 the following form:

10 BALLOT TITLE

11 Legislative Referendum No. _____ State Question No. _____

12 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

13 This measure amends the Oklahoma Constitution. It amends
14 Section 24 of Article 2. This section relates to condemnation
15 of private property. Determining whether or not the use of the
16 private property is for public or private purposes is a judicial
17 question. The change provides criteria that helps determine
18 what is not a public use of property. The change also provides
19 the types of uses of property that shall continue to be a public
20 use.

21 SHALL THE PROPOSAL BE APPROVED?

22 FOR THE PROPOSAL - YES _____

23 AGAINST THE PROPOSAL - NO _____

1 SECTION 3. The Chief Clerk of the House of Representatives,
2 immediately after the passage of this resolution, shall prepare and
3 file one copy thereof, including the Ballot Title set forth in
4 SECTION 2 hereof, with the Secretary of State and one copy with the
5 Attorney General.

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-28-06 - DO
7 PASS, As Amended and Coauthored.