

SECOND REGULAR SESSION

HOUSE JOINT RESOLUTION NO. 38

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE CUNNINGHAM (86).

Pre-filed December 28, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

3555L.01I

JOINT RESOLUTION

Submitting to the qualified voters of Missouri an amendment repealing section 28 of article I of the Constitution of Missouri, and adopting one new section in lieu thereof relating to judicial review of public use determination.

Be it resolved by the House of Representatives, the Senate concurring therein:

That at the next general election to be held in the state of Missouri, on Tuesday next
2 following the first Monday in November, 2006, or at a special election to be called by the
3 governor for that purpose, there is hereby submitted to the qualified voters of this state, for
4 adoption or rejection, the following amendment to article I of the Constitution of the state of
5 Missouri:

Section A. Section 28, article I, Constitution of Missouri, is repealed and one new
2 section adopted in lieu thereof, to be known as section 28, to read as follows:

Section 28. That private property shall not be taken for private use with or without
2 compensation, unless by consent of the owner, except for private ways of necessity, and except
3 for drains and ditches across the lands of others for agricultural and sanitary purposes, in the
4 manner prescribed by law[; and that when an attempt is made to take private property for a use
5 alleged to be public, the question whether the contemplated use be public shall be judicially
6 determined without regard to any legislative declaration that the use is public].

✓

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.