

BILL ANALYSIS

Senate Research Center

S.B. 1708
By: Wentworth
State Affairs
6/27/2003
Enrolled

DIGEST AND PURPOSE

Currently, no mechanism exists to allow a person whose property was acquired by the government through eminent domain, when the project for which the property was acquired is canceled, to get the property back, other than a bidding process. S.B. 1708 requires the government to contact the last owner and offer the person the property before it is set for sale through the bidding process.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 21, Property Code, by adding Section 21.023, as follows:

Sec. 21.023. DISCLOSURE OF INFORMATION REQUIRED AT TIME OF ACQUISITION. Requires a governmental entity to disclose in writing to a property owner, at the time of acquisition of the property owner through eminent domain, that the owner or the owner's heirs, successors, or assigns are entitled to repurchase the property if the public use for which the property was acquired through eminent domain is canceled before the 10th anniversary of the date of acquisition, and that the repurchase price is the fair market value of the property at the time the public use was canceled.

SECTION 2. Amends Chapter 21, Property Code, by adding Subchapter E, as follows:

SUBCHAPTER E. REPURCHASE OF REAL PROPERTY FROM GOVERNMENTAL ENTITY

Sec. 21.101. APPLICABILITY. (a) Provides that this subchapter applies only to a real property interest acquired by a governmental entity through eminent domain for a public use that was canceled before the 10th anniversary of the date of acquisition, except as provided by Subsection (b).

(b) Provides that this subchapter does not apply to a right-of-way under the jurisdiction of a county, municipality, or the Texas Department of Transportation.

Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER AT TIME OF CANCELLATION OF PUBLIC USE. Requires a governmental entity, not later than the 180th day after the date of the cancellation of the public use for which real property was acquired through eminent domain from a property owner under Subchapter B, to send by certified mail, return receipt requested, to the property owner or the owner's heirs, successors, or assigns, a notice containing certain information.

Sec. 21.103. RESALE OF PROPERTY; PRICE. (a) Requires the property owner or the

owner's heirs, successors, or assigns, not later than the 180th day after the date of the postmark on the notice sent under Section 21.102, to notify the governmental entity of the person's intent to repurchase the property interest under this subchapter.

(b) Requires the governmental entity, as soon as practicable after receipt of the notification under Subsection (a), to offer to sell the property interest to the person for the fair market value of the property at the time the public use was canceled. Provides that the person's right to repurchase the property expires on the 90th day after the date on which the governmental entity makes the offer.

SECTION 3. Makes application of Subchapter E, Chapter 21, Property Code, as added by this Act, prospective.

SECTION 4. Effective date: January 1, 2004.