

BILL ANALYSIS

H.J.R. 30
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Land & Resource Management
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently and with some exceptions, if a governmental entity acquires a private real property interest through eminent domain but the public use for which the property interest was acquired is canceled before the 10th anniversary of the date of acquisition, then the previous owner is entitled to repurchase the property interest for its fair market value at the time the public use was canceled.

The purpose of H.J.R. 30 is to amend the Texas Constitution to authorize a governmental entity to sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition under certain conditions.

RULEMAKING AUTHORITY

It is the committee's opinion that this resolution does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. *Amends Article III, Texas Constitution, by adding Section 52j, as follows:*

Authorizes a governmental entity to sell real property acquired through eminent domain to the person who owned the real property interest immediately before the governmental entity acquired the property interest, or to the person's heirs, successors, or assigns, at the price the entity paid at the time of acquisition under certain conditions (that the public use for which the property was acquired through eminent domain is canceled or that no actual progress is made toward the public use during a prescribed period of time or that the property is unnecessary for the public use).

SECTION 2. Requires this proposed constitutional amendment to be submitted to the voters at an election to be held on November 6, 2007. Requires the ballot to be printed to permit voting for or against the proposition, and sets forth the specific language of the proposition.

EFFECTIVE DATE

This proposed constitutional amendment shall be submitted to the voters at an election to be held November 6, 2007. The amendment to Section 17, Article I, of the constitution takes effect on the date of the official canvass of returns showing adoption of the amendment.