

By: Schofield

H.J.R. No. 40

A JOINT RESOLUTION

1 proposing a constitutional amendment concerning the right to
2 repurchase real property acquired by a governmental entity through
3 eminent domain.

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

5 SECTION 1. Section 52j, Article III, Texas Constitution, is
6 amended to read as follows:

7 Sec. 52j. A person from whom a real property interest is
8 acquired by an entity through eminent domain for a public use, or
9 that person's heirs, successors, or assigns, is entitled to
10 repurchase the property under the conditions provided by this
11 section. A governmental entity shall offer to ~~may~~ sell real
12 property acquired through eminent domain to the person who owned
13 the real property interest immediately before the governmental
14 entity acquired the property interest, or to the person's heirs,
15 successors, or assigns, at the price the entity paid at the time of
16 acquisition if:

17 (1) the public use for which the property was acquired
18 through eminent domain is canceled;

19 (2) no actual progress is made toward the public use
20 during a prescribed period of time; or

21 (3) the property is unnecessary for the public use.

22 SECTION 2. This proposed constitutional amendment shall be
23 submitted to the voters at an election to be held November 7, 2017.
24 The ballot shall be printed to provide for voting for or against the

1 proposition: "The constitutional amendment to require a
2 governmental entity to offer for sale under certain conditions real
3 property acquired through eminent domain to the previous owner at
4 the price the entity paid to acquire the property."