

Amend CSHB 3588 as follows:

(1) On page 3, line 3, strike "includes a note or other obligation" and substitute "has the meaning assigned by Title 9, Government Code".

(2) On page 3, between lines 5 and 6, insert the following and renumber subsequent subdivisions accordingly:

(3) "Credit agreement" has the meaning assigned by Title 9, Government Code.

(3) On page 11, strike lines 15-22 and substitute:

Sec. 227.041. POWERS AND PROCEDURES. (a) Except as otherwise provided by this subchapter, the commission has the same powers and duties relating to the condemnation and acquisition of real property for a facility of the Trans-Texas Corridor that the commission and the department have relating to the condemnation or purchase of real property under Subchapter D, Chapter 361 and Section 361.233 for a turnpike project. The commission may purchase property or an option to purchase property that the commission is considering for possible use as part of the

(4) On page 12, strike line 23 and substitute "single payment, a participation payment under Section 227.042, or both a single payment and a participation payment."

(5) Strike page 13, line 19, to page 16, line 16, and substitute:

Sec. 227.045. POSSESSION OF HOMESTEAD PROPERTY UNDER DECLARATION OF TAKING. If property condemned under this chapter is a homestead or a portion of a homestead as defined by Section 41.002, Property Code, the department may not take possession before the 91st day after the date of service of the declaration of taking.

Sec. 227.046. RIGHT OF ENTRY TO PROPERTY WITH PUBLIC UTILITY FACILITY. To ensure the safety and convenience of the public, the department shall, when entering any real property, water, or premises on which is located a public utility facility:

(1) comply with applicable industry standard safety codes and practices; and

(2) notwithstanding Subsection (a), give the owner or operator of the facility not less than 10 days' notice before

entering the real property, water, or premises.

(6) On page 17, line 16, between "facility" and the period, insert "in accordance with industry standard safety codes and practices".

(7) On page 18, line 23, strike "maintenance" and substitute "operation".

(8) On page 21, strike lines 13-16 and substitute "the commission, including fees; and".

(9) On page 22, line 2, between "revenue" and "provided", insert "or money".

(10) On page 24, lines 5 and 6, strike "order authorizing the issuance of the bond" and substitute "applicable bond proceedings".

(11) On page 25, line 8, strike "an authority" and substitute "the commission".

(12) On page 25, line 14, strike "local".

(13) On page 25, at the end of line 23, add "Money borrowed under this section may be evidenced by the issuance of bonds."

(14) On page 32, line 10, between "project" and the semicolon, insert "including the redemption or purchase price of bonds subject to redemption or purchase as provided in the applicable bond proceedings".

(15) On page 37, line 15, strike "plan" and substitute "program".

(16) On page 38, line 27, between "rules" and the semicolon, insert:

", provided that an authority must consider the same factors that the Texas Turnpike Authority division of the department must consider in altering a prima facie speed limit under Section 545.354".

(17) Strike page 58, line 14, to page 64, line 7, substitute the following sections, and renumber existing sections accordingly:

Sec. 370.163. ACQUISITION OF PROPERTY. (a) Except as otherwise provided by this subchapter, the governing body of an authority has the same powers and duties relating to the condemnation and acquisition of real property for a transportation project that the commission and the department have under

Subchapter D, Chapter 361, and Section 361.233 relating to the condemnation or purchase of real property for a turnpike project. Notwithstanding Section 361.135(a), the concurrence of the commission is not a prerequisite to the exercise of the power of condemnation by the governing body of the authority.

(b) An authority's acquisition of any property of the commission under this or another section of this chapter or an authority's relocation, rerouting, disruption, or alteration of a facility of the commission is considered a conversion of a state highway system under Section 370.035 and is subject to each requirement, condition, or limitation provided by that section.

(c) The authority granted under this section does not include the authority to condemn a bridge connecting this state to the United Mexican States that is owned by a county or municipality.

Sec. 370.164. DEPOSIT FOR DECLARATION OF TAKING. (a) A deposit to the registry of the court of an amount equal to the fair market value, as determined by the authority, of the property to be condemned and any damages to the remaining property must accompany the declaration of taking under this chapter.

(b) Instead of the deposit under Subsection (a), at its option the authority may, concurrently with the declaration of a taking, tender in favor of the owner of the property a bond or other security in an amount sufficient to secure the owner for the value of the property taken and damages to remaining property, subject to the approval of the court.

(c) An owner may draw upon the deposit held by the court under Subsection (a) on the same terms and conditions as are applicable to a property owner's withdrawal of a commissioners' award deposited under Section 21.021(a)(1), Property Code.

Sec. 370.165. DOCKET PREFERENCE FOR DECLARATION OF TAKING. A property owner who is a defendant in an eminent domain action filed by an authority under this chapter must give notice to the court in which the action is pending of the property owner's preference that the condemnation petition be placed on the court's docket in the same manner as other cases pending in the court. The notice must be given before the 21st day after the date of service of process of both a condemnation petition and a notice of

declaration of taking. On receipt of timely notice from the property owner, the court in which the action is pending shall place the case on its docket in the same manner as other cases pending in the court.

(18) On page 98, line 20, between "to" and "construct", insert "finance, acquire,".

(19) On page 112, line 10, strike "may" and substitute "shall".

(20) On page 112, line 17, between the period and "After", insert:

The use by the department of any design element contained in an unsuccessful proposal is at the sole risk and discretion of the department and does not confer liability on the recipient of the stipulated amount under this section.

(21) On page 115, line 17, strike "TRANSPORTATION" and substitute "TRANSPORTATION".

(22) On page 115, line 25, strike "make an acquisition of" and substitute "acquire or purchase an option to acquire".

(23) On page 116, strike lines 15-18 and substitute:
property acquired by advance acquisition may be managed by the General Land Office on behalf of the department as the department and the General Land Office may agree. Subchapter E, Chapter 31, Natural Resources Code, does not apply to property acquired under this subchapter.

(24) On page 127, line 26, between "Paragraph" and "(B)", insert "(A) or".

(25) On page 129, line 9, between "department" and the period, insert "under this chapter".

(26) On page 140, line 2, strike "under Section 7-a" and substitute "for another purpose by Section 7-a or 7-b".

(27) On page 151, line 25, strike "SHADOW" and substitute "PASS-THROUGH".

(28) On page 152, line 1, strike "SHADOW" and substitute "PASS-THROUGH".

(29) Throughout Article 9, strike "shadow" and substitute "pass-through".

(30) On page 153, between lines 11 and 12, insert:

(g) Money received by the department under this section shall be deposited to the credit of the state highway fund and is exempt from the application of Section 403.095, Government Code.

(31) On page 153, line 21, between "contract" and "described", insert "or agreement".

(32) On page 153, strike lines 24-26 and substitute:

(2) Subchapter N;

(3) Chapter 223; [~~or~~]

(4) Chapter 361; or

(5) Chapter 2254, Government Code.

(33) On page 155, strike line 8 and substitute:

shall be transferred or sold with the following priorities:

(1) to a governmental entity that has the authority to condemn the property; or

(2) to the general public.