

Amend CSHB 2702 by adding the following appropriately numbered SECTIONS and renumbering subsequent SECTIONS accordingly:

SECTION _____. Section 21.021, Property Code, is amended by amending Subsection (a) and adding Subsection (e) to read as follows:

(a) After the special commissioners have made an award in a condemnation proceeding, except as provided by Subsection (c) [~~of this section~~], the condemnor may take possession of the condemned property pending the results of further litigation if the condemnor:

(1) pays to the property owner the amount of damages and costs awarded by the special commissioners or deposits that amount of money with the court subject to the order of the property owner;

(2) deposits with the court either the amount of money awarded by the special commissioners as damages or a surety bond in the same amount issued by a surety company qualified to do business in this state, conditioned to secure the payment of an award of damages by the court in excess of the award of the special commissioners; [~~and~~]

(3) executes a bond that has two or more good and solvent sureties approved by the judge of the court in which the proceeding is pending and conditioned to secure the payment of additional costs that may be awarded to the property owner by the trial court or on appeal; and

(4) obtains from the court a writ of possession or other order entitling the condemnor to possession of the condemned property.

(e) Subsection (a)(4) does not apply to a condemnation by the Texas Department of Transportation.

SECTION _____. Section 21.021(a), Property Code, as amended by this Act, applies only to a condemnation proceeding the petition for which is filed on or after the effective date of this Act. A condemnation proceeding the petition for which is filed before the effective date of this Act is governed by the law in effect at the time the petition was filed, and that law is continued in effect for that purpose.