

Amend CSHB 2006 (House Committee Printing) as follows:

(1) On page 5, line 4, between "proceeding" and "under", insert "by filing a petition".

(2) On page 5, line 5, strike "Chapter 21" and substitute "Section 21.012".

(3) On page 5, line 7, between "Subsection (b)" and the comma, insert "or Subsection (d)".

(4) On page 5, line 18, after the period and quotation mark, insert the following:

The description of the property required by this subsection is sufficient if the description of the location of and interest in the property that the governmental entity seeks to acquire is substantially similar to the description that is or could properly be used in a petition to condemn the property under Section 21.012, Property Code.

(5) On page 5, between lines 18-19, insert the following:

(d) If a project for a public use described by Section 2206.051(c)(3) will require a governmental entity to acquire multiple tracts or units of property to construct facilities connecting one location to another location, the governing body of the entity may adopt a single ordinance, resolution, or order by a record vote that delegates the authority to initiate condemnation proceedings to the chief administrative official of the governmental entity.

(e) An ordinance, resolution, or order adopted under Subsection (d) is not required to identify specific properties that the governmental entity will acquire. The ordinance, resolution, or order must identify the general area to be covered by the project or the general route that will be used by the governmental entity for the project in a way that provides property owners in and around the area or along the route reasonable notice that the owners' properties may be subject to condemnation proceedings during the planning or construction of the project.

(6) On page 5, lines 23 and 24, strike "by voluntary purchase or lease" and substitute "from the property owner voluntarily".

(7) On page 6, line 24, strike "by voluntary purchase or

lease" and substitute "from the property owner voluntarily".

(8) On page 7, strike lines 19-20 and substitute the following:

including any evidence that an owner of real property who desires but is not obligated to sell the property and a potential purchaser of the property who is under no necessity to purchase the property would consider with respect to the property if it were offered for sale;

(9) On page 8, line 6, strike "by voluntary purchase or lease" and substitute "from the property owner voluntarily".

(10) Add the following appropriately numbered SECTIONS to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 21.042(e), Property Code, is amended to read as follows:

(e) If a portion of a tract or parcel of real property is condemned for the use, construction, operation, or maintenance of the state highway system or of a county toll project described by Chapter 284, Transportation Code, that is eligible for designation as part of the state highway system, [~~or for the use, construction, development, operation, or maintenance of an improvement or project by a metropolitan rapid transit authority created before January 1, 1980, with a principal municipality having a population of less than 1.9 million and established under Chapter 451, Transportation Code, the special commissioners shall determine the damage to the property owner regardless of whether the property owner makes a claim for damages to the remaining property. In awarding compensation or assessing the damages,~~] the special commissioners shall consider any diminished access to the highway and diminished access to or from the remaining property to the extent that it affects the present market value of the property, including any factors considered when determining the fair market value of property for ad valorem tax purposes [~~special and direct benefits that arise from the highway improvement or the transit authority improvement or project that are peculiar to the property owner and that relate to the property owner's ownership, use, or enjoyment of the particular parcel of remaining real property~~].

SECTION _____. Subchapter B, Chapter 111, Natural Resources

Code, is amended by adding Section 111.0195 to read as follows:

Sec. 111.0195. RIGHT OF EMINENT DOMAIN: ADDITIONAL PROCEDURES. (a) This section applies only to a condemnation proceeding initiated by a common carrier, as that term is defined by Section 111.002, Natural Resources Code.

(b) A common carrier that intends to exercise the power of eminent domain must serve the owner of the property to be acquired with notice that the common carrier intends to initiate condemnation proceedings on or before the date the common carrier files a condemnation petition.

(c) The special commissioners in an eminent domain proceeding to which this section applies:

(1) may not schedule a hearing to assess damages before the 30th day after the date of the special commissioners' appointment; and

(2) must serve a property owner with notice informing the property owner of the time and place of the hearing not later than the 21st day before the date set for the hearing.

(d) A court that has jurisdiction over a condemnation proceeding may appoint a replacement special commissioner if:

(1) the property owner or the common carrier objects to the appointment of a special commissioner by filing a written statement of the person's objections on the grounds of:

(A) a conflict of interest; or

(B) other good cause; and

(2) the court determines in a hearing that good cause is shown.

(e) The special commissioners may delay scheduling a hearing for a reasonable period if, by motion to the court that has jurisdiction over the condemnation proceeding, the property owner requests and is granted a delay by the court for good cause shown.

(f) A notice required under this section must be served by:

(1) regular mail; and

(2) certified mail, return receipt requested, to the property owner.

(g) A common carrier has the burden of proof to establish that notice was provided as required by Subsection (b).

SECTION _____. Section 111.0195, Property Code, as added by this Act, applies only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before the effective date of this Act and any property condemned through the proceeding is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.