

Amend HB 2006 (House engrossed version) as follows:

(1) In SECTION 2 of the bill, in Subdivision (2), Subsection (b), added Section 2206.051, Government Code (page 3, line 1), strike "or" and substitute "~~or~~".

(2) In SECTION 2 of the bill, in Subdivision (3), Subsection (b), added Section 2206.051, Government Code (page 3, line 10), between "Tax Code" and the period, insert the following:

; or

(4) is not for a public use

(3) In SECTION 2 of the bill, strike Subsection (e), added Section 2206.051, Government Code (page 4, lines 18-22), and substitute the following:

(e) The determination by the governmental or private entity proposing to take the property that the taking is for a public use or does not involve an act or circumstance prohibited by Subsection (b) does not create a presumption with respect to whether the contemplated use is truly public or whether the taking involves that act or circumstance.

(4) In SECTION 2 of the bill, in added Subsection (a), Section 2206.103, Government Code (page 5, lines 7-8), strike "Except as provided by Subsection (b) or (d)," and substitute "If the motion required by Subsection (c) indicates that the first record vote applies to all units of property to be condemned, and the minutes of the entity reflect that the first vote applies to all of those units, a single ordinance, resolution, or order may be adopted for all of those units of property. If a member of the governing body objects to adopting a single ordinance, resolution, or order by a record vote for all units of property for which condemnation proceedings are to be initiated,".

(5) In SECTION 2 of the bill, in added Subsection (a), Section 2206.103, Government Code (page 5, lines 9-10), strike "for which condemnation proceedings are to be initiated".

(6) In SECTION 3 of the bill, in the heading of added Section 21.0112, Property Code (page 6, line 18), strike "GOOD FAITH STANDARD" and substitute "BONA FIDE OFFER REQUIRED".

(7) In SECTION 3 of the bill, in added Section 21.0112, Property Code (page 6, line 20), strike "good faith effort" and

substitute "bona fide offer".

(8) In SECTION 3 of the bill, in added Section 21.0112, Property Code (page 6, line 21), after the period, insert "A bona fide offer is an offer that is not arbitrary or capricious and is based on a reasonably thorough investigation and honest assessment of the amount of the just compensation due to the landowner as a result of the taking."

(9) In SECTION 4 of the bill, in added Subdivision (5), Subsection (b), Section 21.012, Property Code (page 7, line 20), strike "good faith effort" and substitute "bona fide offer".

(10) In SECTION 6 of the bill, in amended Section 21.041, Property Code (page 8, line 14), between "shall" and "admit", insert ", subject to the applicable rules of evidence,".

(11) In SECTION 6 of the bill, in amended Section 21.041, Property Code (page 8, line 14), between "evidence" and "on", insert "that would be considered by willing, knowledgeable, and prudent purchasers and sellers in the marketplace who are not under duress".

(12) In SECTION 6 of the bill, strike amended Subdivisions (1) and (2), Section 21.041, Property Code (page 8, lines 15-26), and substitute the following:

(1) the value of the property being condemned;

(2) the injury to the property owner;

(13) Strike SECTION 7 of the bill (page 9, lines 4-13) and renumber subsequent SECTIONS accordingly.

(14) In SECTION 10 of the bill, strike added Subsection (d), Section 21.047, Property Code (page 10, lines 8-12), and substitute the following:

(d) If a court hearing a suit under this chapter determines that a condemning entity did not make a bona fide offer to acquire the property from the property owner voluntarily as required by Section 21.0112, the court shall abate the suit and order the condemnor to make a bona fide offer. If a court hearing a suit in this chapter finds that by filing a petition under Section 21.012 or by filing any other motion or pleading in the proceeding initiated by the filing of that petition the condemnor violated Chapter 10, Civil Practices and Remedies Code, the court shall order the

condemnor to pay:

(1) all costs are provided by Subsection (a); and

(2) any reasonable attorney's fees incurred by the owner that are directly related to the violation.

(15) In SECTION 11 of the bill, in amended Subsection (a), Section 21.101, Property Code (page 10, line 21), between "acquisition" and the period, insert "or the governmental entity fails to begin operation or construction of the project for which the property was acquired before the 10th anniversary of that date".

(16) Add the following appropriately numbered SECTIONS to the bill and renumber existing SECTIONS accordingly:

SECTION __. Section 21.102, Property Code, is amended to read as follows:

Sec. 21.102. NOTICE TO PREVIOUS PROPERTY OWNER AT TIME OF CANCELLATION OF PUBLIC USE OR ON FAILURE TO BEGIN OPERATION OR CONSTRUCTION OF A PUBLIC USE PROJECT. Not later than the 180th day after the date of the cancellation of the public use for which real property was acquired through eminent domain from a property owner under Subchapter B or the 180th day after the 10th anniversary of the date on which the property was acquired if the governmental entity fails to begin operation or construction of the project for which the property was acquired before the 10th anniversary of that date, the governmental entity shall send by certified mail, return receipt requested, to the property owner or the owner's heirs, successors, or assigns a notice containing:

(1) an identification, which is not required to be a legal description, of the property that was acquired;

(2) an identification of the public use for which the property had been acquired and a statement that the public use has been canceled or the governmental entity fails to begin operation or construction of the project for which the property was acquired; and

(3) a description of the person's right under this subchapter to repurchase the property.

SECTION __. Not later than January 1, 2009, the comptroller shall:

(1) identify all public and private entities with eminent domain authority; and

(2) make recommendations to the legislature and the governor regarding:

(A) which entities have, need, or should have eminent domain authority;

(B) whether that eminent domain authority of those entities should be continued, expanded, or limited; and

(C) the cause and effect of continuing, eliminating, expanding, or limiting the eminent domain authority of those entities.