

Amend HB 2006 (Senate committee printing) as follows:

(1) In SECTION 2 of the bill, in Subdivision (2), Subsection (b), added Section 2206.051, Government Code (page 4, line 47), strike "or" and substitute "[~~or~~]".

(2) In SECTION 2 of the bill, in Subdivision (3), Subsection (b), added Section 2206.051, Government Code (page 4, line 56), between "Tax Code" and the period, insert the following:

; or

(4) is not for a public use

(3) In SECTION 2 of the bill, in Paragraph (A), Subdivision (7), Subsection (c), added Section 2206.051, Government Code (page 5, line 7), between "carrier" and "subject", insert "pipeline".

(4) In SECTION 2 of the bill, in Paragraph (A), Subdivision (7), Subsection (c), added Section 2206.051, Government Code (page 5, lines 7-8), strike "subject to Chapter 111, Natural Resources Code".

(5) In SECTION 2 of the bill, in added Subsection (a), Section 2206.103, Government Code (page 5, lines 38-39), 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 more than one 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,".

(6) In SECTION 2 of the bill, in added Subsection (a), Section 2206.103, Government Code (page 5, lines 40-41), strike "for which condemnation proceedings are to be initiated".

(7) In SECTION 3 of the bill, in the recital (page 6, line 6), strike "Sections 21.0112 and 21.0113" and substitute "Section 21.0112".

(8) In SECTION 3 of the bill, in the heading of added Section 21.0112, Property Code (page 6, line 7), strike "GOOD FAITH STANDARD" and substitute "BONA FIDE OFFER REQUIRED".

(9) In SECTION 3 of the bill, in added Section 21.0112,

Property Code (page 6, line 9), strike "good faith effort" and substitute "bona fide offer".

(10) In SECTION 3 of the bill, in added Section 21.0112, Property Code (page 6, line 10), 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."

(11) In SECTION 3 of the bill, strike added Section 21.0113, Property Code (page 6, lines 11-25).

(12) In SECTION 4 of the bill, in added Subdivision (5), Subsection (b), Section 21.012, Property Code (page 6, line 36), strike "good faith effort" and substitute "bona fide offer".

(13) Strike SECTION 6 of the bill (page 6, line 53, through page 7, line 4) and substitute the following:

SECTION 6. Section 21.041, Property Code, is amended to read as follows:

Sec. 21.041. EVIDENCE. (a) For the purposes of this section, market value is the price a property will bring when offered for sale by a person who desires to sell the property, but is not obliged to sell the property, and is bought by a person who desires to buy the property, but is not under a necessity to buy the property.

(b) As the basis for assessing actual damages to a property owner from a condemnation, the special commissioners shall, subject to the Texas Rules of Evidence, admit evidence on:

(1) the market value, before the condemnation, of the property being condemned;

(2) subject to Section 21.042, the net change to the market value of [the injury to the property owner,

[~~(3) the benefit to~~] the property owner's remaining property, considering both injury and benefit to the property owner; and

(3) [~~(4)~~] the use of the property for the purpose of the condemnation.

(14) Strike SECTION 7 of the bill (page 7, lines 5-14) and renumber subsequent SECTIONS of the bill accordingly.

(15) In SECTION 10 of the bill, strike added Subsection (d), Section 21.047, Property Code (page 7, lines 36-40), 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 the court 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 Practice and Remedies Code, the court shall order the condemnor to pay:

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

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

(16) In SECTION 11 of the bill, in amended Subsection (a), Section 21.101, Property Code (page 7, line 45), between "entity" and "through", insert "other than a port that is acquiring property for deep water navigation".

(17) In SECTION 11 of the bill, in amended Subsection (a), Section 21.101, Property Code (page 7, line 49), between "acquisition" and the period, insert "or the governmental entity fails to begin the operation or construction of the project for which the property was acquired before the 10th anniversary of that date".

(18) 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 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 the 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 has failed to begin the 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.