

Amend SB 792 (committee printing) by adding the following SECTION to the bill, appropriately numbered, and renumbering existing SECTIONS accordingly:

SECTION \_\_\_\_\_. (a) 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 commissioner shall consider:

(1) any 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; and

(2) for a portion of a tract or parcel of real property that is outside the municipal limits or the extraterritorial jurisdiction of a municipality with a population of 50,000 or more, any diminished access to or from the remaining property.

(b) Section 203.0521(b-1), Transportation Code, is repealed.

(c) The change in law made by this section applies only to a condemnation proceeding in which the condemnation petition is filed on or after the effective date of this section. A condemnation proceeding pending on the effective date of this section is governed by the law in effect immediately before the effective date of this section, and that law is continued in effect for that purpose.

(d) This section takes effect September 1, 2007.

(Speaker in the chair)