

By: Watson

S.B. No. 1384

A BILL TO BE ENTITLED

AN ACT

relating to declarations of taking for toll projects.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 203.066(d), Transportation Code, is amended to read as follows:

(d) The department may not file a declaration of taking before the completion of:

(1) all environmental documentation, including a final environmental impact statement or a record of decision, that is required by federal or state law;

(2) all public hearings and meetings, including those held in connection with the environmental process and under Sections 201.604 and 203.021, that are required by federal or state law;

(3) all notifications required by Section 203.022; and

(4) if the property contains any portion of a homestead, business, farm, or ranch, a written notification to the property owner that the occupants:

(A) will not be required to move before the 365th [~~90th~~] day after the date of the notice; and

(B) will receive, not later than the 30th day before the date by which the property must be vacated, a written notice specifying the date by which the property must be vacated.

SECTION 2. Section 203.067, Transportation Code, is amended

1 by amending Subsections (a) and (b) to read as follows:

2 Sec. 203.067. POSSESSION OF PROPERTY FOR TOLL PROJECT.

3 (a) Immediately on the filing of a declaration of taking under
4 Section 203.066, the department shall serve a copy of the
5 declaration on each person possessing an interest in the condemned
6 property by a method prescribed by Section 21.016(d), Property
7 Code. The department shall file evidence of the service with the
8 clerk of the court. Except as provided by Subsection (b) [On filing
9 of that evidence], the department may take possession of the
10 property pending the litigation on the filing of that evidence.

11 (b) The department may not take possession sooner than the
12 365th day after the date of service under Subsection (a) if [If] the
13 condemned property is:

14 (1) a homestead or a portion of a homestead as defined
15 by Section 41.002, Property Code; or

16 (2) a business, farm, or ranch or a portion of a
17 business, farm, or ranch~~[, the department may not take possession~~
18 ~~sooner than the 91st day after the date of service under Subsection~~
19 ~~(a)].~~

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2006.