

1-1 By: Watson S.B. No. 1384  
1-2 (In the Senate - Filed March 7, 2007; March 20, 2007, read  
1-3 first time and referred to Committee on Transportation and Homeland  
1-4 Security; April 12, 2007, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 7, Nays 1;  
1-6 April 12, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1384 By: Watson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to declarations of taking for toll projects.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (d), Section 203.066, Transportation  
1-13 Code, is amended to read as follows:

1-14 (d) The department may not file a declaration of taking  
1-15 before the completion of:

1-16 (1) all environmental documentation, including a  
1-17 final environmental impact statement or a record of decision, that  
1-18 is required by federal or state law;

1-19 (2) all public hearings and meetings, including those  
1-20 held in connection with the environmental process and under  
1-21 Sections 201.604 and 203.021, that are required by federal or state  
1-22 law;

1-23 (3) all notifications required by Section 203.022; and

1-24 (4) for each [if the] property described by Section  
1-25 203.067(b) [contains a business, farm, or ranch], delivery of a  
1-26 written notification to the property owner that the occupants:

1-27 (A) will not be required to move before the 365th  
1-28 [90th] day after the date of the notice; and

1-29 (B) will receive, not later than the 30th day  
1-30 before the date by which the property must be vacated, a written  
1-31 notice specifying the date by which the property must be vacated.

1-32 SECTION 2. Subsections (a) and (b), Section 203.067,  
1-33 Transportation Code, are amended to read as follows:

1-34 (a) Immediately on the filing of a declaration of taking  
1-35 under Section 203.066, the department shall serve a copy of the  
1-36 declaration on each person possessing an interest in the condemned  
1-37 property by a method prescribed by Section 21.016(d), Property  
1-38 Code. The department shall file evidence of the service with the  
1-39 clerk of the court. Except as provided by Subsection (b) [On filing  
1-40 of that evidence], the department may take possession of the  
1-41 property pending the litigation on the filing of that evidence.

1-42 (b) The department may not take possession of property under  
1-43 this section before the 365th day after the date of service under  
1-44 Subsection (a) if [If] the condemned property is:

1-45 (1) a homestead or a portion of a homestead as defined  
1-46 by Section 41.002, Property Code; or

1-47 (2) all or part of a business, farm, or ranch[, the  
1-48 department may not take possession sooner than the 91st day after  
1-49 the date of service under Subsection (a)].

1-50 SECTION 3. The changes in law made by this Act to Subsection  
1-51 (b), Section 203.067, Transportation Code, apply to a declaration  
1-52 of taking filed by the Texas Department of Transportation before,  
1-53 on, or after the effective date of this Act if the department has  
1-54 not taken possession of the property as allowed under Subsection  
1-55 (b), Section 203.067, Transportation Code, before the effective  
1-56 date of this Act.

1-57 SECTION 4. This Act takes effect immediately if it receives  
1-58 a vote of two-thirds of all the members elected to each house, as  
1-59 provided by Section 39, Article III, Texas Constitution. If this  
1-60 Act does not receive the vote necessary for immediate effect, this  
1-61 Act takes effect September 1, 2007.

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