

Amend **CSHB 3474** (senate committee printing) by inserting the following appropriately numbered SECTIONS and renumbering SECTIONS of the bill appropriately:

SECTION _____. Section 21.047, Property Code, is amended by adding Subsections (a-1) and (a-2) to read as follows:

(a-1) If the amount of damages awarded by the special commissioners is at least 20 percent greater than the amount the condemnor offered to pay before the proceedings began or if the commissioners' award is appealed and a court awards damages in an amount that is a least 20 percent greater than the amount the condemnor offered to pay before the proceedings began, the condemnor shall pay:

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

(2) subject to Subsection (a-2), any reasonable attorney's fees and other professional fees incurred by the property owner in connection with the eminent domain proceeding.

(a-2) A property owner who is awarded attorney's fees by the special commissioners under Subsection (a-1) is not entitled to attorney's fees related to an award that is appealed by the property owner.

SECTION _____. Section 21.101, Property Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) In this section, "actual progress" means the completion of three [two] or more of the following actions:

(1) the performance of a significant amount of labor to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(2) the provision of a significant amount of materials to develop the property or other property acquired for the same public use project for which the property owner's property was acquired;

(3) the hiring of and performance of a significant amount of work by an architect, engineer, or surveyor to prepare a plan or plat that includes the property or other property acquired for the same public use project for which the property owner's

property was acquired;

(4) application for state or federal funds to develop the property or other property acquired for the same public use project for which the property owner's property was acquired; or

(5) application for a state or federal permit to develop the property or other property acquired for the same public use project for which the property owner's property was acquired.

(b-1) Notwithstanding Subsection (b), for a navigation district or port authority, "actual progress" means:

(1) the completion of one action described by Subsection (b); and

(2) [; (6) the acquisition of a tract or parcel of real property adjacent to the property for the same public use project for which the owner's property was acquired; or

[(7) for a governmental entity,] the adoption by a majority of the entity's governing body at a public hearing of a development plan for a public use project that indicates that the entity will not complete more than one action described by Subsection (b) [Subdivisions (1)-(6)] before the 10th anniversary of the date of acquisition of the property.

SECTION _____. Section 21.047, Property Code, as amended by this Act, applies only to an eminent domain proceeding commenced on or after the effective date of this Act. An eminent domain proceeding commenced before the effective date of this Act is governed by the law applicable to the proceeding immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION _____. Section 21.101, Property Code, as amended by this Act, applies only to a real property interest acquired in connection with a condemnation proceeding in which the petition is filed on or after the effective date of this Act. A real property interest acquired in connection with a condemnation proceeding in which the petition is filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.