

1-1 By: Schwertner S.B. No. 479
 1-2 (In the Senate - Filed February 6, 2015; February 10, 2015,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 15, 2015, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 15, 2015,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 479 By: Schwertner

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to establishing actual progress for the purposes of
 1-22 determining the right to repurchase real property from a condemning
 1-23 entity.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 21.101, Property Code, is amended by
 1-26 amending Subsection (b) and adding Subsection (b-1) to read as
 1-27 follows:

1-28 (b) In this section, "actual progress" means the completion
 1-29 of three [~~two~~] or more of the following actions:

1-30 (1) the performance of a significant amount of labor
 1-31 to develop the property or other property acquired for the same
 1-32 public use project for which the property owner's property was
 1-33 acquired;

1-34 (2) the provision of a significant amount of materials
 1-35 to develop the property or other property acquired for the same
 1-36 public use project for which the property owner's property was
 1-37 acquired;

1-38 (3) the hiring of and performance of a significant
 1-39 amount of work by an architect, engineer, or surveyor to prepare a
 1-40 plan or plat that includes the property or other property acquired
 1-41 for the same public use project for which the property owner's
 1-42 property was acquired;

1-43 (4) application for state or federal funds to develop
 1-44 the property or other property acquired for the same public use
 1-45 project for which the property owner's property was acquired; or

1-46 (5) application for a state or federal permit to
 1-47 develop the property or other property acquired for the same public
 1-48 use project for which the property owner's property was acquired.

1-49 (b-1) Notwithstanding Subsection (b), for a navigation
 1-50 district or port authority, "actual progress" means:

1-51 (1) the completion of one action described by
 1-52 Subsection (b); and

1-53 (2) [~~;~~ (6) the acquisition of a tract or parcel of
 1-54 real property adjacent to the property for the same public use
 1-55 project for which the owner's property was acquired; or

1-56 [(7) for a governmental entity,] the adoption by a
 1-57 majority of the entity's governing body at a public hearing of a
 1-58 development plan for a public use project that indicates that the
 1-59 entity will not complete more than one action described by
 1-60 Subsection (b) [~~Subdivisions (1)-(6)]~~ before the 10th anniversary

2-1 of the date of acquisition of the property.

2-2 SECTION 2. Section 21.101, Property Code, as amended by
2-3 this Act, applies only to a real property interest acquired in
2-4 connection with a condemnation proceeding in which the petition is
2-5 filed on or after the effective date of this Act. A real property
2-6 interest acquired in connection with a condemnation proceeding in
2-7 which the petition is filed before the effective date of this Act is
2-8 governed by the law in effect immediately before that date, and that
2-9 law is continued in effect for that purpose.

2-10 SECTION 3. This Act takes effect September 1, 2015.

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