

1-1 By: Schwertner, et al. S.B. No. 628  
 1-2 (In the Senate - Filed January 26, 2017; February 13, 2017,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 April 4, 2017, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 1; April 4, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to establishing actual progress for the purposes of  
 1-20 determining the right to repurchase real property from a condemning  
 1-21 entity.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 21.101, Property Code, is amended by  
 1-24 amending Subsection (b) and adding Subsection (b-1) to read as  
 1-25 follows:

1-26 (b) In this section, "actual progress" means the completion  
 1-27 of three [~~two~~] or more of the following actions:

1-28 (1) the performance of a significant amount of labor  
 1-29 to develop the property or other property acquired for the same  
 1-30 public use project for which the property owner's property was  
 1-31 acquired;

1-32 (2) the provision of a significant amount of materials  
 1-33 to develop the property or other property acquired for the same  
 1-34 public use project for which the property owner's property was  
 1-35 acquired;

1-36 (3) the hiring of and performance of a significant  
 1-37 amount of work by an architect, engineer, or surveyor to prepare a  
 1-38 plan or plat that includes the property or other property acquired  
 1-39 for the same public use project for which the property owner's  
 1-40 property was acquired;

1-41 (4) application for state or federal funds to develop  
 1-42 the property or other property acquired for the same public use  
 1-43 project for which the property owner's property was acquired; or

1-44 (5) application for a state or federal permit to  
 1-45 develop the property or other property acquired for the same public  
 1-46 use project for which the property owner's property was acquired.

1-47 (b-1) Notwithstanding Subsection (b), for a navigation  
 1-48 district or port authority, "actual progress" means:

1-49 (1) the completion of one action described by  
 1-50 Subsection (b); and

1-51 (2) [~~(6) the acquisition of a tract or parcel of~~  
 1-52 ~~real property adjacent to the property for the same public use~~  
 1-53 ~~project for which the owner's property was acquired; or~~

1-54 [~~(7) for a governmental entity,~~] the adoption by a  
 1-55 majority of the entity's governing body at a public hearing of a  
 1-56 development plan for a public use project that indicates that the  
 1-57 entity will not complete more than one action described by  
 1-58 Subsection (b) [~~Subdivisions (1)-(6)] before the 10th anniversary~~  
 1-59 of the date of acquisition of the property.

1-60 SECTION 2. Section 21.101, Property Code, as amended by  
 1-61 this Act, applies only to a real property interest acquired in

2-1 connection with a condemnation proceeding in which the petition is  
2-2 filed on or after the effective date of this Act. A real property  
2-3 interest acquired in connection with a condemnation proceeding in  
2-4 which the petition is filed before the effective date of this Act is  
2-5 governed by the law in effect immediately before that date, and that  
2-6 law is continued in effect for that purpose.

2-7 SECTION 3. This Act takes effect September 1, 2017.

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