

By: Schwertner, et al.

S.B. No. 554

A BILL TO BE ENTITLED

AN ACT

relating to establishing actual progress for the purposes of determining the right to repurchase real property from a condemning entity.

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

SECTION 1. 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), a navigation district or port authority may establish actual progress for purposes of this section by:

(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 2. 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.

1       SECTION 3.   This Act takes effect September 1, 2019.