

1-1 By: Schwertner, et al. S.B. No. 726
 1-2 (In the Senate - Filed February 22, 2021; March 11, 2021,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 14, 2021, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 8, Nays 1; April 14, 2021,
 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. 726 By: Birdwell

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 or contracting with and the
 1-39 performance of a significant amount of work by an architect,
 1-40 engineer, or surveyor to prepare a plan, [or] plat, or easement that
 1-41 includes the property or other property acquired for the same
 1-42 public use project for which the property owner's property was
 1-43 acquired;

1-44 (4) application for state or federal funds to develop
 1-45 the property or other property acquired for the same public use
 1-46 project for which the property owner's property was acquired; or

1-47 (5) application for a state or federal permit or
 1-48 certificate to develop the property or other property acquired for
 1-49 the same public use project for which the property owner's property
 1-50 was acquired.

1-51 (b-1) Notwithstanding Subsection (b), a navigation district
 1-52 or port authority, or a water district implementing a project
 1-53 included in the state water plan adopted by the Texas Water
 1-54 Development Board, may establish actual progress for purposes of
 1-55 this section by:

1-56 (1) the completion of one action described by
 1-57 Subsection (b); and

1-58 (2) [, (6) the acquisition of a tract or parcel of real
 1-59 property adjacent to the property for the same public use project
 1-60 for which the owner's property was acquired, or

2-1 [~~(7) for a governmental entity,~~] the adoption by a
2-2 majority of the entity's governing body at a public hearing of a
2-3 development plan for a public use project that indicates that the
2-4 entity will not complete more than one action described by
2-5 Subsection (b) [~~Subdivisions (1)-(6)~~] before the 10th anniversary
2-6 of the date of acquisition of the property.

2-7 SECTION 2. Section 21.101, Property Code, as amended by
2-8 this Act, applies only to a real property interest acquired in
2-9 connection with a condemnation proceeding in which the petition is
2-10 filed on or after the effective date of this Act. A real property
2-11 interest acquired in connection with a condemnation proceeding in
2-12 which the petition is filed before the effective date of this Act is
2-13 governed by the law in effect immediately before that date, and that
2-14 law is continued in effect for that purpose.

2-15 SECTION 3. This Act takes effect September 1, 2021.

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