

Amend **HB 156** by striking all below the enacting clause and substituting the following:

SECTION 1. Section 361.003, Transportation Code, is amended by adding Subsections (m)-(r) to read as follows:

(m) Except as otherwise provided in this section, the governing body of a regional mobility authority has the same powers and duties that the commission and the department have under Subchapter D relating to the condemnation or purchase of real property. Notwithstanding Section 361.135(a), the concurrence of the commission is not a prerequisite to the exercise of the power of condemnation by the governing body of the regional mobility authority.

(n) The governing body of a regional mobility authority may acquire real property by the exercise of the power of condemnation only if:

(1) the real property is located in a county that is part of the regional mobility authority; or

(2) the real property is not located within a county that is part of the regional mobility authority and the commissioners court of the county in which the real property is located concurs in the exercise of the power of eminent domain to acquire the property.

(o) Subsection (m) does not authorize the governing body of a regional mobility authority to condemn or purchase real property of a rapid transit authority operating under Chapter 451, Transportation Code, that was confirmed before July 1, 1985, and in which the principal municipality has a population of less than 750,000, unless the governing body of the regional mobility authority has entered into a written agreement with the governing body of the rapid transit authority specifying the terms and conditions under which the condemnation or purchase of the real property will occur.

(p) The governing body of a regional mobility authority may not file a declaration of taking as provided by Section 361.137 or take possession of property as provided by Section 361.138.

(q) With respect to a transportation project that is subject to Subpart C, 23 C.F.R. Part 450, a power granted by Subsection (m)

may only be used if the transportation project for which property will be condemned or purchased is:

(1) included in the plan approved by the applicable metropolitan planning organization; and

(2) consistent with the statewide transportation plan and the statewide transportation improvement plan.

(r) A regional mobility authority may not condemn a bridge that is owned by a municipality or county and connects this state with the United Mexican States.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.