

By: Bailes

H.B. No. 448

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the right of property owners to file complaints against
3 certain entities regulated by the Railroad Commission of Texas
4 regarding alleged misconduct by the entities while exercising
5 eminent domain authority; providing a civil penalty.

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

7 SECTION 1. Section 402.031(b), Government Code, is amended
8 to read as follows:

9 (b) The landowner's bill of rights must notify each property
10 owner that the property owner has the right to:

11 (1) notice of the proposed acquisition of the owner's
12 property;

13 (2) a bona fide good faith effort to negotiate by the
14 entity proposing to acquire the property;

15 (3) an assessment of damages to the owner that will
16 result from the taking of the property;

17 (4) a hearing under Chapter 21, Property Code,
18 including a hearing on the assessment of damages; [and]

19 (5) an appeal of a judgment in a condemnation
20 proceeding, including an appeal of an assessment of damages; and

21 (6) if the entity proposing to acquire the owner's
22 property is regulated by the Railroad Commission of Texas, file a
23 written complaint with the commission regarding alleged misconduct
24 by the entity while exercising the entity's eminent domain

1 authority.

2 SECTION 2. Section 81.0591, Natural Resources Code, is
3 amended by adding Subsection (d) to read as follows:

4 (d) If an entity that proposes to acquire property through
5 the use of the entity's eminent domain authority under Chapter 21,
6 Property Code, is regulated by the commission, the property owner
7 may file a written complaint with the commission under this section
8 regarding alleged misconduct by the entity while exercising that
9 authority, including a violation by the entity of Section 81.073.

10 SECTION 3. Subchapter C, Chapter 81, Natural Resources
11 Code, is amended by adding Section 81.073 to read as follows:

12 Sec. 81.073. MISUSE OF LANDOWNER'S BILL OF RIGHTS; CIVIL
13 PENALTY. (a) An entity regulated by the commission may not use a
14 landowner's bill of rights statement prepared under Section
15 402.031, Government Code, to harass, intimidate, or otherwise
16 mislead a property owner.

17 (b) An entity that violates this section is liable to the
18 state for a civil penalty in an amount of not more than:

- 19 (1) \$1,000 for the first violation; and
20 (2) \$5,000 for each subsequent violation.

21 (c) The commission may refer a complaint alleging a
22 violation of this section received under Section 81.0591(d) to the
23 attorney general.

24 (d) The attorney general may bring an action in the name of
25 the state to enjoin a violation of this section or to recover the
26 civil penalty provided by this section, or both.

27 SECTION 4. The office of the attorney general shall make the

1 landowner's bill of rights statement required by Section [402.031](#),
2 Government Code, as amended by this Act, available on the attorney
3 general's Internet website not later than September 1, 2021.

4 SECTION 5. This Act takes effect September 1, 2021.