

1-1 By: Burrows H.B. No. 4107
 1-2 (Senate Sponsor - Kolkhorst, Hall, Schwertner)
 1-3 (In the Senate - Received from the House May 17, 2021;
 1-4 May 17, 2021, read first time and referred to Committee on State
 1-5 Affairs; May 21, 2021, reported favorably by the following vote:
 1-6 Yeas 9, Nays 0; May 21, 2021, 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 A BILL TO BE ENTITLED
 1-19 AN ACT

1-20 relating to the notice of entry for the purpose of exercising the
 1-21 power of eminent domain by a common carrier pipeline.

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

1-23 SECTION 1. Section 111.019, Natural Resources Code, is
 1-24 amended by adding Subsections (d), (e), (f), and (g) to read as
 1-25 follows:

1-26 (d) Before entering property for the purpose of making a
 1-27 preliminary survey to be used in the exercise of the power of
 1-28 eminent domain granted under this section, the common carrier or
 1-29 its employees, contractors, agents, or assigns shall provide the
 1-30 property owner with:

1-31 (1) written notice of the carrier's intent to enter the
 1-32 property; and

1-33 (2) an indemnification provision in favor of the
 1-34 property owner with respect to damages, if any, resulting from the
 1-35 survey.

1-36 (e) Notice and indemnification provided under Subsection
 1-37 (d):

1-38 (1) must be provided to the property owner not later
 1-39 than the second day before the date of entry to the property;

1-40 (2) must include the phone number of a person whom the
 1-41 property owner may contact regarding any questions or objections
 1-42 the property owner has relating to the survey; and

1-43 (3) may be provided by first class mail, e-mail,
 1-44 personal delivery to an adult living on the property, or by any
 1-45 other method of service authorized by the Texas Rules of Civil
 1-46 Procedure.

1-47 (f) Entry to property for which notice is provided under
 1-48 Subsection (d) is subject to the conditions that the entry:

1-49 (1) is limited to only the portion of the property
 1-50 that:

1-51 (A) is anticipated to be affected by:
 1-52 (i) the route of the proposed pipeline; or
 1-53 (ii) a proposed pipeline appurtenance; or

1-54 (B) must be accessed to conduct the survey,
 1-55 including the property corners or property location monuments
 1-56 necessary to identify the boundaries of the property;

1-57 (2) is limited to the purpose of conducting surveys;

1-58 (3) unless otherwise authorized by the property owner,
 1-59 does not authorize the cutting, removal, or relocation of a fence
 1-60 for the purpose of conducting the survey without the prompt
 1-61 restoration or repair of the fence;

