

By: Schwertner, et al.

S.B. No. 627

A BILL TO BE ENTITLED

AN ACT

relating to notice of a property owner's rights relating to the examination or survey of property by an entity with eminent domain authority.

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

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

(c) The statement must include:

(1) the title, "Landowner's Bill of Rights"; and

(2) a description of:

(A) the condemnation procedure provided by Chapter 21, Property Code;

(B) the condemning entity's obligations to the property owner, including the responsibility for any actual damages arising from an examination or survey of the property; ~~and~~

(C) the property owner's options during a condemnation, including the property owner's right to:

(i) seek to negotiate the terms of the examination or survey of the property by the condemning entity; and

(ii) object to and appeal an amount of damages awarded; and

(D) the condemning entity's right to sue for a court order authorizing the examination or survey if the property owner refuses to consent to the examination or survey.

SECTION 2. Subchapter B, Chapter 21, Property Code, is amended by adding Section 21.01101 to read as follows:

Sec. 21.01101. SURVEY CONSENT FORM. If an entity with eminent domain authority provides a form to an owner of real property requesting the owner's consent to enter the property to examine the property or conduct a survey of the property in connection with the potential acquisition of the property for a public use, the form must conspicuously state that:

(1) the owner has a right to seek to negotiate the terms of the examination or survey of the property;

(2) the entity may sue for a court order authorizing the entity to enter the property and conduct the examination or survey if the owner refuses to consent to the examination or survey; and

(3) the entity has the responsibility for any actual damages arising from an examination or survey of the property.

SECTION 3. The office of the attorney general shall make the landowner's bill of rights statement required by Section 402.031, Government Code, as amended by this Act, available on the attorney general's Internet website not later than January 1, 2018.

SECTION 4. This Act takes effect January 1, 2018.