

By: Zwiener

H.B. No. 3327

A BILL TO BE ENTITLED

AN ACT

relating to the acquisition of real property for a proposed oil and gas pipeline through eminent domain by a common carrier.

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

SECTION 1. Chapter 21, Property Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. ADDITIONAL PROCEDURES FOR ACQUISITION OF CERTAIN PROPERTY BY COMMON CARRIER

Sec. 21.031. DEFINITION. In this subchapter, "common carrier" means a common carrier governed by Chapter 111, Natural Resources Code.

Sec. 21.032. NOTICE OF INTENT BY COMMON CARRIER. (a) A common carrier that intends to exercise eminent domain authority to acquire real property for the construction and operation of an oil and gas pipeline must send a written notice of intent to:

(1) the county judge of:

(A) the county in which the proposed pipeline route is located; and

(B) each county the territorial boundaries of which are located within five miles of the location of the proposed pipeline route; and

(2) if applicable, the board of directors of:

(A) any groundwater conservation district governed by Chapter 36, Water Code, in which the proposed pipeline

1 route is located; and

2 (B) each groundwater conservation district
3 governed by Chapter 36, Water Code, the territorial boundaries of
4 which are located within five miles of the location of the proposed
5 pipeline route.

6 (b) A notice sent under Subsection (a) must:

7 (1) state the common carrier's intent to acquire real
8 property for public use;

9 (2) specify that the public use is the construction
10 and operation of an oil and gas pipeline;

11 (3) identify the real property the common carrier
12 intends to acquire and the owners of the property; and

13 (4) identify and provide contact information for all
14 recipients of the notice.

15 Sec. 21.033. PROHIBITED CONTACT BEFORE NOTICE PROVIDED. A
16 common carrier may not contact any property owner identified in the
17 notice of intent until after the seventh day after the date the
18 notice of intent is sent under Section 21.032.

19 Sec. 21.034. PUBLIC MEETING. (a) The recipients of a
20 notice under Section 21.032 shall confer and, not later than the
21 60th day after the date the last recipient receives notice, the
22 county judge or judges and board or boards of directors, as
23 applicable, may jointly select a date on which a public meeting will
24 be held to consider the proposed pipeline route.

25 (b) If a public meeting is scheduled under Subsection (a),
26 the meeting must take place in a public location appropriate to the
27 size and nature of the meeting in a county or county and groundwater

1 conservation district, as applicable, through which the proposed
2 route will pass.

3 Sec. 21.035. NOTICE OF PUBLIC MEETING. (a) As soon as
4 practicable after the date for the public meeting under Section
5 21.034 is selected, a county judge or a member of a board of
6 directors of a groundwater conservation district jointly
7 designated by the notice recipients shall give notice of the
8 meeting to the common carrier.

9 (b) Not later than the 30th day before the date of the public
10 meeting, notice of the public meeting shall be published:

11 (1) by each county judge of a county that received
12 notice under Section 21.032 on that county's Internet website;

13 (2) if applicable, by each board of directors of a
14 groundwater conservation district that received notice under
15 Section 21.032 on that district's Internet website; and

16 (3) in a newspaper of general circulation in each
17 county described by Subdivision (1) and, if applicable, in each
18 groundwater conservation district described by Subdivision (2).

19 (c) A notice of public meeting under this section must
20 include the date, time, and location of the meeting.

21 Sec. 21.036. PARTICIPATION BY COMMON CARRIER. A
22 representative of a common carrier that gives notice of intent
23 under Section 21.032 shall attend and participate in any public
24 meeting scheduled under Section 21.034.

25 Sec. 21.037. OFFERS BY CERTAIN COMMON CARRIERS PROHIBITED.
26 A common carrier that does not attend and participate in a public
27 meeting as required by Section 21.036 may not make a bona fide offer

1 described by Section 21.0113.

2 SECTION 2. This Act takes effect September 1, 2019.