

1-1 By: Schwertner, et al. S.B. No. 552  
 1-2 (In the Senate - Filed January 31, 2019; February 21, 2019,  
 1-3 read first time and referred to Committee on State Affairs;  
 1-4 March 13, 2019, reported favorably by the following vote: Yeas 9,  
 1-5 Nays 0; March 13, 2019, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
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 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to notice of a property owner's rights relating to the  
 1-20 examination or survey of property by an entity with eminent domain  
 1-21 authority.

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

1-23 SECTION 1. Section 402.031(c), Government Code, is amended  
 1-24 to read as follows:

1-25 (c) The statement must include:

1-26 (1) the title, "Landowner's Bill of Rights"; and

1-27 (2) a description of:

1-28 (A) the condemnation procedure provided by  
 1-29 Chapter 21, Property Code;

1-30 (B) the condemning entity's obligations to the  
 1-31 property owner, including the responsibility for any damages  
 1-32 arising from an examination or survey of the property; ~~and~~

1-33 (C) the property owner's options during a  
 1-34 condemnation, including the property owner's right to:

1-35 (i) refuse to grant permission to the  
 1-36 condemning entity to enter the property and conduct an examination  
 1-37 or survey of the property;

1-38 (ii) negotiate the terms of the examination  
 1-39 or survey of the property; and

1-40 (iii) object to and appeal an amount of  
 1-41 damages awarded; and

1-42 (D) the condemning entity's right to sue for a  
 1-43 court order authorizing the examination or survey if the property  
 1-44 owner refuses to grant permission for the examination or survey.

1-45 SECTION 2. Subchapter B, Chapter 21, Property Code, is  
 1-46 amended by adding Section 21.01101 to read as follows:

1-47 Sec. 21.01101. SURVEY PERMISSION FORM. If an entity with  
 1-48 eminent domain authority provides a form to an owner of real  
 1-49 property requesting the owner's permission to enter the property to  
 1-50 examine the property or conduct a survey of the property in  
 1-51 connection with the potential acquisition of the property for a  
 1-52 public use, the form must conspicuously state that:

1-53 (1) the owner has a right to refuse to grant permission  
 1-54 to the entity to enter the property and conduct the examination or  
 1-55 survey;

1-56 (2) the entity has a right to sue for a court order  
 1-57 authorizing the entity to enter the property and conduct the  
 1-58 examination or survey if the owner refuses to grant the permission;

1-59 (3) the owner has a right to negotiate the terms of the  
 1-60 examination or survey of the property; and

1-61 (4) the entity has the responsibility for any damages

2-1 arising from an examination or survey of the property.

2-2 SECTION 3. The office of the attorney general shall make the  
2-3 landowner's bill of rights statement required by Section [402.031](#),  
2-4 Government Code, as amended by this Act, available on the attorney  
2-5 general's Internet website not later than January 1, 2020.

2-6 SECTION 4. This Act takes effect January 1, 2020.

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