

By: Burrows

H.B. No. 4107

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

(e) Notice and indemnification provided under Subsection (d):

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

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

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

5           (f) Entry to property for which notice is provided under  
6 Subsection (d) is subject to the conditions that the entry:

7           (1) is limited to only the portion of the property  
8 that:

9                   (A) is anticipated to be affected by:

10                           (i) the route of the proposed pipeline; or

11                           (ii) a proposed pipeline appurtenance; or

12                   (B) must be accessed to conduct the survey,  
13 including the property corners or property location monuments  
14 necessary to identify the boundaries of the property;

15           (2) is limited to the purpose of conducting surveys;

16           (3) unless otherwise authorized by the property owner,  
17 does not authorize the cutting, removal, or relocation of a fence  
18 for the purpose of conducting the survey without the prompt  
19 restoration or repair of the fence;

20           (4) requires the restoration of property to be as  
21 close as reasonably possible to the original condition before  
22 entry;

23           (5) requires all equipment and tools used in the  
24 survey to be removed by a certain date; and

25           (6) requires that the property owner, on written  
26 request, be provided, at no charge, a survey plat or depiction  
27 gathered and prepared from information obtained from the survey.

1        (g) This section does not prevent an entity from seeking  
2 survey access rights or seeking to prevent interference with those  
3 rights in a civil action authorized under other law.

4        SECTION 2. The changes in law made by this Act to Section  
5 [111.019](#), Natural Resources Code, apply only to a condemnation  
6 proceeding in which the petition is filed on or after the effective  
7 date of this Act and to any property condemned through the  
8 proceeding. A condemnation proceeding in which the petition is  
9 filed before the effective date of this Act and any property  
10 condemned through the proceeding are governed by the law in effect  
11 immediately before that date, and that law is continued in effect  
12 for that purpose.

13        SECTION 3. This Act takes effect September 1, 2021.