

By: Burrows

H.B. No. 4107

Substitute the following for H.B. No. 4107:

By: Biedermann

C.S.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), and (f) 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 any damages 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

(3) may be provided by first class mail, e-mail,

1 personal delivery to an adult living on the property, or by any
2 other method of service authorized by the Texas Rules of Civil
3 Procedure.

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

6 (1) is limited to only the portion of the property that
7 is anticipated to be affected by the route of the proposed pipeline;

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

9 (3) unless otherwise authorized by the property owner,
10 does not authorize the cutting, removal, or relocation of a fence
11 for the purpose of conducting the survey without the prompt
12 restoration or repair of the fence;

13 (4) requires the restoration of property to be as
14 close as reasonably possible to the original condition before
15 entry;

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

18 (6) requires that the property owner, on written
19 request, be provided, at no charge, all non-privileged information
20 gathered from the entry, including surveys, reports, maps, and
21 photographs.

22 SECTION 2. The changes in law made by this Act to Section
23 [111.019](#), Natural Resources Code, apply only to a condemnation
24 proceeding in which the petition is filed on or after the effective
25 date of this Act and to any property condemned through the
26 proceeding. A condemnation proceeding in which the petition is
27 filed before the effective date of this Act and any property

1 condemned through the proceeding are governed by the law in effect
2 immediately before that date, and that law is continued in effect
3 for that purpose.

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