

1-1 By: Darby, et al. (Senate Sponsor - Kolkhorst) H.B. No. 1211  
1-2 (In the Senate - Received from the House April 26, 2019;  
1-3 April 29, 2019, read first time and referred to Committee on State  
1-4 Affairs; May 19, 2019, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 8, Nays 0;  
1-6 May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

1-8		Yea	Nay	Absent	PNV
1-9	Huffman	X			
1-10	Hughes			X	
1-11	Birdwell	X			
1-12	Creighton	X			
1-13	Fallon	X			
1-14	Hall	X			
1-15	Lucio	X			
1-16	Nelson	X			
1-17	Zaffirini	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1211 By: Nelson

1-19 A BILL TO BE ENTITLED  
1-20 AN ACT

1-21 relating to the acquisition of, and the construction of  
1-22 improvements to, real property.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 ARTICLE 1. CERTAIN AGREEMENTS BY ARCHITECTS AND ENGINEERS IN OR IN  
1-25 CONNECTION WITH CONSTRUCTION CONTRACTS

1-26 SECTION 1.01. The heading to Chapter 130, Civil Practice  
1-27 and Remedies Code, is amended to read as follows:

1-28 CHAPTER 130. LIABILITY PROVISIONS [~~INDEMNIFICATION~~] IN CERTAIN  
1-29 CONSTRUCTION CONTRACTS

1-30 SECTION 1.02. Section 130.002, Civil Practice and Remedies  
1-31 Code, is amended by adding Subsections (c), (d), and (e) to read as  
1-32 follows:

1-33 (c) Except as provided by Subsection (d), a covenant or  
1-34 promise in, in connection with, or collateral to a contract for  
1-35 engineering or architectural services related to an improvement to  
1-36 real property is void and unenforceable if the covenant or promise  
1-37 provides that a licensed engineer or registered architect must  
1-38 defend a party, including a third party, against a claim based  
1-39 wholly or partly on the negligence of, fault of, or breach of  
1-40 contract by a person other than the engineer or architect. A  
1-41 covenant or promise in, in connection with, or collateral to a  
1-42 contract for engineering or architectural services related to an  
1-43 improvement to real property may provide for the reimbursement of  
1-44 an owner's reasonable attorney's fees in proportion to the  
1-45 engineer's or architect's liability.

1-46 (d) Notwithstanding Subsection (c), an owner that is a party  
1-47 to a contract for engineering or architectural services related to  
1-48 an improvement to real property may require in the contract that the  
1-49 engineer or architect name the owner as an additional insured under  
1-50 the engineer's or architect's commercial general liability  
1-51 insurance policy and provide any defense to the owner provided by  
1-52 the policy to a named insured.

1-53 (e) Subsection (c) does not apply to a contract for  
1-54 design-build services between an owner and a design-builder in  
1-55 which an owner contracts with a single entity to provide both design  
1-56 and construction services.

1-57 SECTION 1.03. Chapter 130, Civil Practice and Remedies  
1-58 Code, is amended by adding Section 130.0021 to read as follows:

1-59 Sec. 130.0021. ENGINEER'S OR ARCHITECT'S STANDARD OF CARE.  
1-60 (a) A contract for engineering or architectural services related

to an improvement to real property, or a contract for an improvement to real property that contains engineering or architectural services as a component part, may not require a licensed engineer or registered architect to perform professional services to a level of professional skill and care beyond that which would be provided by an ordinarily prudent engineer or architect with the same professional license under the same or similar circumstances.

(b) Nothing in this section prevents a party to a contract for engineering or architectural services from enforcing specific obligations in the contract that are separate from the standard of care.

SECTION 1.04. (a) Section 130.002(c), Civil Practice and Remedies Code, as added by this article, applies only to a covenant or promise in, in connection with, or collateral to a contract entered into on or after the effective date of this article.

(b) Sections 130.002(d) and 130.0021, Civil Practice and Remedies Code, as added by this article, apply only to a contract entered into on or after the effective date of this article.

SECTION 1.05. This article takes effect September 1, 2019.

## ARTICLE 2. ACQUISITION OF REAL PROPERTY BY ENTITY WITH EMINENT DOMAIN AUTHORITY

SECTION 2.01. Section 21.0113, Property Code, is amended by adding Subsections (c), (d), (e), and (f) to read as follows:

(c) Notwithstanding Subsection (b), a private entity, as defined by Section 21.031, with eminent domain authority that wants to acquire real property for a public use has made a bona fide offer only if the entity:

(1) satisfies the requirements of Subsection (b);

(2) includes with the initial offer:

(A) an offer of compensation in an amount equal to or greater than:

(i) the market value of the property rights sought to be acquired, including an estimate of damages to the property owner's remaining property, if any, based on an appraisal of the property prepared by a third party who is a certified general appraiser licensed under Chapter 1103, Occupations Code; or

(ii) the estimated price or market value of the property rights sought to be acquired based on data for at least three comparable arm's-length sales of a fee simple interest in property, including an estimate of damages to the property owner's remaining property, if any, based on data then available to the appraiser, broker, or private entity, as applicable, and based on:

(a) a comparative market analysis prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code, or a certified general appraiser licensed under Chapter 1103, Occupations Code;

(b) a broker price opinion prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code; or

(c) a market study prepared by a third party who is a real estate broker licensed under Chapter 1101, Occupations Code, or a certified general appraiser licensed under Chapter 1103, Occupations Code;

(B) the complete written report of the appraisal, the comparative market analysis, the broker price opinion, the market study, or a summary of the market study, as prepared by the third party, that forms the basis for the amount of the offer of compensation under Paragraph (A);

(C) a deed, easement, agreement, or other instrument of conveyance for the property rights sought that complies with Section 21.0114;

(D) notice of the terms described by Section 21.0114(b) for which the property owner may negotiate to be included in a deed, easement, agreement, or other instrument of conveyance relating to the property;

(E) a statement of the property owner's right to attend or request an information meeting required by Section 21.034 or 21.035, as applicable; and

(F) the landowner's bill of rights statement

prescribed by Section [21.0112](#), unless previously provided to the property owner;

(3) holds a property owner information meeting under Section [21.034](#) or [21.035](#), as applicable;

(4) provides notice of the proposed project to the county judge of each county that the project is proposed to traverse; and

(5) includes in the final offer, if made:

(A) a copy of the written appraisal report required by Subsection (b)(4) unless the entity has previously provided a copy of the report to the property owner; and

(B) a deed, easement, agreement, or other instrument of conveyance for the property rights sought that complies with Section [21.0114](#).

(d) For purposes of Subsection (c)(2)(A)(ii), a real estate broker licensed under Chapter [1101](#), Occupations Code, is authorized to prepare an estimated price based on a comparative market analysis, a broker price opinion, a market study, or a summary of the market study.

(e) A condemnation suit may not be abated, delayed, or dismissed for noncompliance with this subchapter, except for abatement as provided under Section [21.047](#)(d).

(f) A private entity that provides to a property owner an easement form that is generally consistent with the language or provisions required by Section [21.0114](#)(a) and the notice required by Section [21.0114](#)(b) is considered to have complied with Section [21.0114](#) for purposes of Subsection (c)(2)(C), regardless of whether the private entity subsequently provides to the property owner a different deed, easement, agreement, or other instrument of conveyance as authorized under Sections [21.0114](#)(c) and (d).

SECTION 2.02. Subchapter B, Chapter [21](#), Property Code, is amended by adding Section [21.0114](#) to read as follows:

Sec. [21.0114](#). REQUIRED TERMS FOR INSTRUMENTS OF CONVEYANCE BY CERTAIN PRIVATE ENTITIES. (a) Except as provided by Subsections (b), (c), and (d), a deed, easement, agreement, or other instrument of conveyance provided to a property owner by a private entity, as defined by Section [21.031](#), with eminent domain authority to acquire the property interest to be conveyed must include the following terms, as applicable:

(1) if the instrument conveys a pipeline right-of-way easement, the following terms with respect to the easement rights granted under the instrument:

(A) the maximum number of pipelines that may be installed in the easement;

(B) the maximum diameter, excluding any protective coating or wrapping, of each pipeline to be initially installed in the easement;

(C) the type or category of substances permitted to be transported through each pipeline to be installed in the easement;

(D) a general description of any aboveground equipment or facility the private entity intends to install, maintain, or operate on the surface of the easement;

(E) a description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property;

(F) the maximum width of the easement;

(G) the minimum depth at which each pipeline to be installed in the easement will initially be installed;

(H) a provision identifying whether the private entity intends to double-ditch areas of the easement that are not installed by boring or horizontal directional drilling;

(I) a provision limiting the private entity's right to assign the entity's interest under the deed, easement, agreement, or other instrument of conveyance without:

(i) written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to

levy property taxes against the property; or

(ii) if the assignee, including an assignee that is an affiliate or subsidiary of or entity otherwise related to the private entity, will not operate each pipeline installed on the easement as a common carrier line or gas utility, the express written consent of the property owner, subject to other mutual agreements under Subsections (c) and (d);

(J) a provision describing whether the easement rights are exclusive, nonexclusive, or otherwise limited;

(K) a provision limiting the private entity's right to grant a third party access to the easement area for a purpose that is not related to the construction, safety, repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed in the easement;

(L) a provision regarding the property owner's right to recover actual monetary damages arising from the construction and installation of each pipeline to be installed in the easement, or a statement that the consideration for the easement includes any monetary damages arising from the construction and installation of each pipeline to be installed in the easement;

(M) a provision regarding the property owner's right after initial construction and installation of each pipeline to be installed in the easement to actual monetary damages arising from the repair, maintenance, inspection, replacement, operation, or removal of each pipeline to be installed in the easement;

(N) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity; or

(ii) providing for the payment for any damage that is not restored or paid for as part of the consideration for the easement;

(O) a provision:

(i) regarding the private entity's obligation to restore the easement area and the property owner's remaining property, if any, used by the private entity to as near to original condition as is reasonably practicable and to maintain the easement; or

(ii) providing for the private entity to reimburse the property owner for actual monetary damages incurred by the property owner that arise from damage to the easement area and the property owner's remaining property caused by the private entity and not restored or paid for as part of the consideration for the easement; and

(P) a provision describing the private entity's rights of ingress, egress, entry, and access on, to, over, and across the easement;

(2) if the instrument conveys an electric transmission right-of-way easement:

(A) a general description of any use of the surface of the easement the entity intends to acquire;

(B) a description or illustration of the location of the easement, including a metes and bounds or centerline description, plat, or aerial or other map-based depiction of the location of the easement on the property;

(C) the maximum width of the easement;

(D) the manner in which the entity will access the easement;

(E) a provision limiting access to the easement area by a third party that has not obtained authorization from the property owner for a purpose that is not related to the transmission line's construction, safety, repair, maintenance, inspection, replacement, operation, or removal;

(F) a provision regarding the property owner's right to recover actual monetary damages arising from the construction, repair, maintenance, replacement, or future removal of lines and support facilities after initial construction in the easement, or a statement that the consideration for the easement

includes such future damages;

(G) a provision:

(i) regarding the removal, cutting, use, repair, and replacement of gates and fences that cross the easement or that will be used by the private entity; or

(ii) providing for the payment for any damage that is not restored or paid for as part of the consideration for the easement;

(H) a provision regarding the entity's obligation to restore the easement area and the property owner's remaining property to the easement area's and the remaining property's original contours and grades, to the extent practicable, and:

(i) a provision regarding the entity's obligation to restore the easement area and the property owner's remaining property following any future damages directly attributed to the use of the easement by the private entity, to the extent practicable; or

(ii) a provision that the consideration for the easement includes future damages to the easement area and the property owner's remaining property;

(I) a provision describing whether the easement rights are exclusive, nonexclusive, or otherwise limited; and

(J) a prohibition against the assignment of the entity's interest in the property to an assignee that will not operate as a utility subject to the jurisdiction of the Public Utility Commission of Texas or the Federal Energy Regulatory Commission without written notice to the property owner at the last known address of the person in whose name the property is listed on the most recent tax roll of any taxing unit authorized to levy property taxes against the property;

(3) a prohibition against any use of the property being conveyed, other than a use stated in the deed, easement, agreement, or other instrument of conveyance, without the express written consent of the property owner;

(4) a provision that the terms of the deed, easement, agreement, or other instrument of conveyance will bind the successors and assigns of the property owner and private entity; and

(5) a provision setting forth the applicable insurance or self-insurance to be provided by the private entity.

(b) The private entity shall notify the property owner that the property owner may negotiate for the following terms to be included in a deed, easement, agreement, or other instrument of conveyance described by Subsection (a):

(1) a provision regarding the property owner's right to negotiate to recover damages, or a statement that the consideration for the easement includes damages, for:

(A) damage to vegetation; and

(B) the income loss from disruption of existing agricultural production or existing leases based on verifiable loss or lease payments; and

(2) a provision:

(A) requiring the private entity to maintain at all times while the private entity uses the easement, including during construction and operations on the easement, liability insurance:

(i) issued by an insurer authorized to issue liability insurance in this state; and

(ii) insuring the property owner against liability for personal injuries and property damage sustained by any person to the extent caused by the negligence of the private entity or the private entity's agents or contractors and to the extent allowed by law; or

(B) if the private entity is subject to the jurisdiction of the Public Utility Commission of Texas or has a net worth of at least \$25 million, requiring the private entity to indemnify the property owner against liability for personal injuries and property damage sustained by any person caused by the



negligence of the private entity or the private entity's agents or contractors.

(c) A private entity, as defined by Section 21.031, or the property owner may:

(1) negotiate for and agree to terms and conditions not required by Subsection (a) or provided by Subsection (b), including terms and conditions that differ from or are not included in a subsequent condemnation petition; and

(2) agree to a deed, easement, agreement, or other instrument of conveyance that does not include or includes terms that differ from the terms required by Subsection (a).

(d) Except as provided by this subsection, this section does not prohibit a private entity or the property owner from agreeing to amend, alter, or omit the terms required by Subsection (a) at any time after the private entity first provides a deed, easement, agreement, or other instrument containing those terms to the property owner, whether before or at the same time that the entity makes an initial offer to the property owner. A private entity that changes the terms required by Subsection (a) must provide a copy of the amended deed, easement, agreement, or other instrument of conveyance to the property owner not later than the seventh day before the date the private entity files a condemnation petition relating to the property.

(e) A private entity that amends a deed, easement, agreement, or other instrument of conveyance to which this section applies after the initial offer or final offer is not required to satisfy again any requirement of Section 21.0113 that the private entity has previously satisfied.

SECTION 2.03. Section 21.012, Property Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) In addition to the contents prescribed by Subsection (b), a petition filed by a private entity as defined by Section 21.031 to acquire property for a public use must state the terms to be included in the instrument of conveyance under Section 21.0114(a).

SECTION 2.04. Chapter 21, Property Code, is amended by adding Subchapter B-1 to read as follows:

#### SUBCHAPTER B-1. ACQUISITION OF PROPERTY BY CERTAIN PRIVATE ENTITIES

Sec. 21.031. DEFINITION. In this subchapter, "private entity":

(1) means:

(A) a for-profit entity, as defined by Section 1.002, Business Organizations Code, however organized, including an affiliate or subsidiary, authorized to exercise the power of eminent domain to acquire private property for public use; or

(B) a corporation organized under Chapter 67, Water Code, that has a for-profit entity, however organized, as the sole or majority member; and

(2) does not include:

(A) a railroad operating in this state on or before September 1, 2019; or

(B) an interstate pipeline governed by the Natural Gas Act (15 U.S.C. Section 717 et seq.) that does not seek to acquire property under this chapter.

Sec. 21.032. APPLICABILITY OF SUBCHAPTER. (a) In this section, "industrial tract" means a tract of real property that contains a refinery, processing facility, underground or aboveground storage facility, chemical plant, marine terminal, electric station, power plant facility, or storage terminal or another similar facility. The term does not include oil and gas production sites.

(b) Except as expressly provided by Section 21.034(d), this subchapter applies only to a private entity that seeks to acquire for a project for public use 25 or more tracts of real property that are not industrial tracts, including easements within those tracts, and that are owned by at least 25 separate and unaffiliated property owners.

(c) Except as expressly provided by Section 21.0392, this

subchapter does not apply to a private entity that:

(1) operates or proposes to construct an electric transmission line; and

(2) is subject to the jurisdiction of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

Sec. 21.033. NOTICE OF INTENT. (a) Not later than the 30th day before the date a private entity holds a meeting under this subchapter, the private entity must send a written notice of intent to the county judge for each county in which the private entity will seek to acquire property.

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

(1) state the private entity's intent to acquire real property for public use;

(2) specify the public use; and

(3) identify the proposed route, including the tracts of real property, identified by the tract number assigned by the county assessor-collector, that the private entity intends to acquire.

Sec. 21.034. NOTICE OF PROPERTY OWNER INFORMATION MEETING.

(a) A private entity shall, not later than the 14th day before the date of a meeting to be held under Section 21.035, provide a written notice advising the property owner of:

(1) the property owner's right to participate in a meeting to discuss the proposed project, including:

(A) if the project is a pipeline, the substances, products, materials, installations, and structures the private entity intends to transport through, use for, or build as part of the project; and

(B) any regulatory filings for the project existing at that time, if any, as to the regulatory classification of the project; and

(2) the date, time, and location of the meeting.

(b) The meeting notice may include a statement of the right of the property owner to contact the private entity under Section 21.039.

(c) The private entity shall send the meeting notice to:

(1) the property owner listed for the property on the most recent tax roll for a taxing unit with authority to levy an ad valorem tax on the property at the address for the property owner listed on the tax roll; or

(2) the address for the property listed on the tax roll described by Subdivision (1).

(d) If a project involves fewer than 25 tracts of real property, including easements within those tracts, owned by separate and unaffiliated property owners, the private entity shall provide notice to the property owners in the manner prescribed by this section that a property owner may request a meeting with the private entity to receive the information required to be presented by a private entity under Section 21.038. If a property owner requests a meeting, the private entity shall, not later than the 30th day after the date the private entity receives the meeting request, offer to hold the meeting.

Sec. 21.035. PROPERTY OWNER INFORMATION MEETING. (a) For each contiguous linear section of a proposed project route that is equal to or less than 100 miles in length, the private entity shall hold at least one group property owner meeting. For a project that exceeds 100 miles in length, the private entity shall hold at least one separate meeting for each 100-mile segment.

(b) The private entity shall hold a meeting required under Subsection (a) in a centrally located public location:

(1) appropriate to the size and nature of the meeting; and

(2) as convenient as practicable to the majority of the tracts of real property, including easements within those tracts, affected by the project section or segment for which the meeting is required.

(c) A meeting required under Subsection (a) may not be scheduled to begin earlier than 5:30 p.m.

(d) A private entity may not hold a meeting required under

Subsection (a) for a project section or segment earlier than the 240th day before the date the private entity makes an initial offer to a property owner within the project section or segment or later than the 30th day before the date the private entity files a petition against a property owner within the project section or segment.

(e) If a private entity is unable to identify and provide notice to a property owner as required by Section 21.034 before the private entity holds a meeting required under Subsection (a), the private entity shall provide notice to the property owner in the manner described by Section 21.034(d) and, if requested by the property owner, meet with the property owner as prescribed by that subsection.

Sec. 21.036. PERSONS AUTHORIZED TO ATTEND PROPERTY OWNER INFORMATION MEETING. (a) In addition to the property owner and the private entity representatives, the following individuals may attend a meeting held under Section 21.035:

(1) an invited relative of the property owner who is related to the property owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code;

(2) an attorney or licensed appraiser representing the property owner;

(3) an employee or a lessee of the property owner that has direct knowledge of the property; or

(4) an employee of an entity with whom the property owner has contracted for services to manage the property.

(b) A private entity may include in the notice required by Section 21.034 a requirement that the property owner, not later than five days before the date of the meeting:

(1) notify the private entity that the property owner intends to attend the meeting; and

(2) identify persons described by Subsections (a)(1)-(4) who intend to attend the meeting.

(c) The number of attendees under Subsections (a)(1)-(4) may not exceed five individuals for each separate tract of property.

(d) The private entity may:

(1) require attendees to provide identification and complete a registration form that includes contact information; and

(2) exclude from the meeting:

(A) any person who does not provide identification or complete a registration form, if required under Subdivision (1); and

(B) any person described by Subsections (a)(1)-(4) who is not timely identified to the private entity, if required under Subsection (b).

(e) The private entity may take reasonable steps to maintain safety and decorum at the meeting, including expelling attendees who do not meet the requirements of this subchapter or who disrupt the meeting.

(f) Notwithstanding Subsection (b)(1), the private entity may not deny entry to a property owner who provides proper identification and completes a registration form, if required under Subsection (d)(1).

Sec. 21.037. PARTICIPATION BY PRIVATE ENTITY REQUIRED. One or more representatives designated by the private entity shall:

(1) attend each meeting required by Section 21.035; and

(2) participate in those meetings as described by Section 21.038.

Sec. 21.038. PROPERTY OWNER INFORMATION MEETING AGENDA. (a) At a meeting held under Section 21.035:

(1) the private entity shall present:

(A) the landowner's bill of rights statement required to be provided to a property owner under Section 21.0112;

(B) a description of the public use for which the entity wants to acquire the real property;

(C) the terms required under Section 21.0114 to



be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(D) a general description of the method and factors the entity used or intends to use to determine the entity's initial offer, including:

(i) how damages to remaining property, if any, were or will be evaluated; or

(ii) the name of the person who prepared or is anticipated to prepare the appraisal report, comparative market analysis, broker price opinion, market study, or summary of the market study required under Section 21.0113(c);

(E) a description of the private entity's regulatory filings specifically related to the project;

(F) the basis for the private entity's exercise of eminent domain authority for the project; and

(G) the name and contact information, as known at the time of the meeting, of any right-of-way agent or survey company to be used by the private entity to acquire the property rights sought; and

(2) any authorized attendee of the meeting must be given an opportunity at the meeting to ask questions and make comments regarding:

(A) the rights of the property owners;

(B) the proposed public use for which the real property is to be acquired; and

(C) any terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the private entity to a property owner.

(b) On request, a private entity shall provide, in written or electronic form, the materials provided by the private entity at the meeting to a property owner who could not attend the meeting.

Sec. 21.039. CONTACT AFTER PROPERTY OWNER INFORMATION MEETING. (a) A private entity that holds a meeting under Section 21.035 may not, for three days following the date of the meeting, contact a property owner who attended a meeting and, if required under Section 21.036(d)(1), provided identification and completed a registration form.

(b) Nothing in this subchapter precludes:

(1) a property owner or an individual allowed to attend a meeting held under Section 21.035 from contacting the private entity at any time; or

(2) the private entity from engaging in discussions with a person described by Subdivision (1) after that person contacts the entity.

Sec. 21.0391. PROCEDURES AFTER PROJECT RE-ROUTE. If any part of the project is re-routed after any meeting is held under Section 21.035, the private entity shall, with respect only to the tracts affected by the re-route the property owners of which were not provided notice under Section 21.034, comply with the provisions of this subchapter with respect to tracts along the re-route.

Sec. 21.0392. PROCEDURES FOR CERTAIN PRIVATE ENTITIES SUBJECT TO JURISDICTION OF PUBLIC UTILITY COMMISSION. (a) This section applies only to a private entity that proposes to exercise the power of eminent domain to construct an electric transmission line and is subject to the authority of the Public Utility Commission of Texas under Chapter 37, Utilities Code.

(b) A private entity to which this section applies and that is required by the Public Utility Commission of Texas to conduct a public meeting in connection with the electric transmission line project shall present at the meeting:

(1) the information contained in the landowner's bill of rights required to be provided to a property owner under Section 21.0112;

(2) the terms required under Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(3) the name and contact information of any third-party contractor or right-of-way agent that will contact a

property owner or seek access to the property owner's property in connection with the project, to the extent available;

(4) the name and contact information, including direct telephone number and e-mail address, for an agent or employee of the entity with authority to answer questions about the electric transmission line project;

(5) the method or methods for calculating the value of the property being acquired by the entity and the damages, if any, to the property owner's remaining property, as part of the entity's initial offer to a property owner; and

(6) a detailed summary of procedures for right-of-way acquisition after the route for the electric transmission line has been selected.

(c) The private entity must give property owners the opportunity to ask the entity questions regarding eminent domain and right-of-way acquisition at the meeting.

(d) After the Public Utility Commission of Texas adopts a route for the electric transmission line, the entity shall provide by letter to each property owner on the route:

(1) a copy of the entity's draft easement form containing a statement of the terms required by Section 21.0114 to be included in a deed, easement, agreement, or other instrument of conveyance provided by the entity to the property owner;

(2) an explanation of the initial offer process and the basis and method or methods for calculating the value of the property being acquired by the entity and the damages, if any, to the property owner's remaining property as part of the initial offer required by Section 21.0113;

(3) a statement of the property owner's right under Section 21.0113 to receive a copy of the written appraisal with the final offer, if a copy of the written appraisal has not previously been provided to the property owner by the entity;

(4) an explanation of the negotiation process, including the name and contact information of any right-of-way agent who will be participating in the process, to the extent available; and

(5) the name and contact information, including the direct telephone number and e-mail address, for an agent or employee of the entity with authority to answer questions about the electric transmission line project.

(e) On request, a private entity shall provide, in written or electronic form, the materials provided by the private entity at the meeting to a property owner who could not attend the meeting.

SECTION 2.05. (a) Except as otherwise provided by this section, the changes in law made by this article apply to the acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, on or after the effective date of this article. An acquisition of real property in connection with an initial offer made under Chapter 21, Property Code, before the effective date of this article is governed by the law applicable to the acquisition immediately before the effective date of this article, and that law is continued in effect for that purpose.

(b) Except as provided by Subsection (c) of this section, the changes in law made by this article do not apply to an electric transmission project for which the Public Utility Commission of Texas has issued a final and appealable order that amends a certificate of convenience and necessity before the effective date of this article.

(c) Section 21.0392, Property Code, as added by this article, applies only if a public meeting required by the Public Utility Commission of Texas is conducted on or after the effective date of this article.

(d) Except as provided by Subsection (e) of this section, the changes in law made by this article do not apply to a pipeline for which an application for a permit to operate the pipeline has been filed with the Railroad Commission of Texas before the effective date of this article.

(e) The changes in law made by this article apply to a pipeline project for which an application for a permit to operate

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11-1 the pipeline is filed with the Railroad Commission of Texas on or  
11-2 after September 1, 2019, unless a written survey request is  
11-3 provided to each property owner on the proposed route of the project  
11-4 not later than the 90th day after the date the application is filed.  
11-5 SECTION 2.06. This article takes effect January 1, 2020.

11-6 \* \* \* \* \*