H.B. No. 4107 1-1 By: Burrows 1-2 1-3 (Senate Sponsor - Kolkhorst, Hall, Schwertner) (In the Senate - Received from the House May 17, 2021; May 17, 2021, read first time and referred to Committee on State Affairs; May 21, 2021, reported favorably by the following vote: Yeas 9, Nays 0; May 21, 2021, sent to printer.) 1-4 1-5 1-6 1-7 COMMITTEE VOTE 1-8 Absent **PNV** Yea Nay 1-9 Hughes Χ 1-10 1-11 Birdwell Campbell 1-12 Hall Χ 1-13 Χ Lucio Nelson Χ 1-14 1**-**15 1**-**16 Powell Schwertner 1-17 Zaffirini 1-18 1-19 A BILL TO BE ENTITLED AN ACT 1-20 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: 1-21 1-22 SECTION 1. Section 111.019, Natural Resources Code, is amended by adding Subsections (d), (e), (f), and (g) to read as 1-24 1-25 follows: 1-26 (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 1-27 1-28 its employees, contractors, agents, or assigns shall provide the 1-29 1-30 property owner with: 1-31 (1) written notice of the carrier's intent to enter the 1-32 property; and 1-33 (2) an indemnification provision in favor of 1-34 property owner with respect to damages, if any, resulting from the 1-35 survey. 1-36 Notice and indemnification provided under Subsection (e) (d): 1-37 1-38 must be provided to the property owner not later (1)than the second day before the date of entry to the property; 1-39 (2) must include the phone number of a person whom the 1-40 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, 1-41 1-42 1-43 1-44 personal delivery to an adult living on the property, or by any 1-45 other method of service authorized by the Texas Rules of Civil Procedure. 1-46 (f) Entry to property for which notice is provided under Subsection (d) is subject to the conditions that the entry: 1-47 1-48 1-49 (1) is limited to only the portion of the property 1-50 that: is anticipated to be affected by:
(i) the route of the proposed pipeline; or
(ii) a proposed pipeline appurtenance; or 1-51 (A) 1-52 1-53 1-54 must be accessed to conduct the survey (B) 1-55 including the property corners or property location monuments necessary to identify the boundaries of the property; 1-56

does not authorize the cutting, removal, or relocation of a fence

for the purpose of conducting the survey without the prompt

restoration or repair of the fence;

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1-60 1-61 (2) is limited to the purpose of conducting surveys;(3) unless otherwise authorized by the property owner,

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(4) requires the restoration of property to be as close as reasonably possible to the original condition before 2-1 2-2 2-3 entry;

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

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2-19 2**-**20 2**-**21 (6) requires that the property owner, on written request, be provided, at no charge, a survey plat or depiction gathered and prepared from information obtained from the survey.

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

SECTION 2. The changes in law made by this Act to Section 111.019, Natural Resources Code, apply only to a condemnation proceeding in which the petition is filed on or after the effective date of this Act and to any property condemned through the proceeding. A condemnation proceeding in which the petition is filed before the effective date of this Act and any property condemned through the proceeding are governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

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

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