

By: Ashby

H.B. No. 1245

A BILL TO BE ENTITLED

AN ACT

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

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

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

(c) The statement must include:

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

(2) a description of:

(A) the condemnation procedure provided by Chapter 21, Property Code;

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

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

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

(ii) negotiate the terms of the examination or survey of the property; and

(iii) object to and appeal an amount of damages awarded; and

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

4           SECTION 2. Subchapter B, Chapter 21, Property Code, is  
5 amended by adding Section 21.01101 to read as follows:

6           Sec. 21.01101. SURVEY PERMISSION FORM. If an entity with  
7 eminent domain authority provides a form to an owner of real  
8 property requesting the owner's permission to enter the property to  
9 examine the property or conduct a survey of the property in  
10 connection with the potential acquisition of the property for a  
11 public use, the form must conspicuously state that:

12                 (1) the owner has a right to refuse to grant permission  
13 to the entity to enter the property and conduct the examination or  
14 survey;

15                 (2) the entity has a right to sue for a court order  
16 authorizing the entity to enter the property and conduct the  
17 examination or survey if the owner refuses to grant the permission;

18                 (3) the owner has a right to negotiate the terms of the  
19 examination or survey of the property; and

20                 (4) the entity has the responsibility for any damages  
21 arising from an examination or survey of the property.

22           SECTION 3. The office of the attorney general shall make the  
23 landowner's bill of rights statement required by Section 402.031,  
24 Government Code, as amended by this Act, available on the attorney  
25 general's Internet website not later than January 1, 2020.

26           SECTION 4. This Act takes effect January 1, 2020.