

SUBJECT: Expanding options for serving notice in an eminent domain proceeding

COMMITTEE: Land and Resource Management — favorable, without amendment

VOTE: 6 ayes — Craddick, Muñoz, C. Bell, Biedermann, Minjarez, Stickland

0 nays

3 absent — Canales, Leman, Thierry

WITNESSES: For — James Mann, Targa Resources; Linda Kaye Rogers; (*Registered, but did not testify*: Charles Yarbrough, Atmos Pipeline-Texas; Laura Chandler, Big Bend Conservation Alliance; Patrick Byrd, Boardwalk Pipelines; Paula Bulcao, BP America, Inc.; Steve Perry and Julie Williams, Chevron USA; Royce Poinsett, Cimarex Energy Co.; Heather Caramanica, ConocoPhillips; Delbert Fore, Enterprise Products; Samantha Omev, ExxonMobil; Judith McGeary, Farm and Ranch Freedom Alliance; Mike Stafford, Harris County; Bill Oswald, Koch Companies; Amy Maxwell, Magellan Midstream Partners; Hugo Gutierrez, Marathon Oil Corporation; Bill Kelly, City of Houston Mayor's Office; Randy Cubriel, Nucor; James Mathis, Occidental Petroleum; Anne Billingsley and Art Bohmeyer, ONEOK, Inc.; Bill Stevens, Panhandle Producers and Royalty Owners Association, Texas Alliance of Energy Producers; Dave Cagnolatti, Phillips 66; Adrian Shelley, Public Citizen; Eric Opiela, South Texans Property Rights Association; Lauren Fairbanks, Texas Association of Manufacturers; Josh Winegarner, Texas Cattle Feeders Association; Ryan Paylor, Texas Independent Producers and Royalty Owners Association; Rita Beving, Texas Landowners for Eminent Domain Reform; Cory Pomeroy, Texas Oil and Gas Association; Thure Cannon and James Mann, Texas Pipeline Association; Tricia Davis, Texas Royalty Council; Terri Hall, Texas TURF; and nine individuals)

Against — None

On — Michael Lozano, Permian Basin Petroleum Association;  
(*Registered, but did not testify*: Kyle Madsen, Texas Department of

Transportation)

**BACKGROUND:** Property Code sec. 21.016 entitles each party in an eminent domain proceeding to written notice issued by the special commissioners informing the party of the time and place of the hearing on the proceeding required by law.

Under sec. 21.016(d), this notice may be served:

- by delivering a copy of the notice to the party or the party's agent or attorney;
- by delivering a copy of the notice to the party's legal representative, if the property being condemned belongs to a deceased's estate or to a minor or other legally disabled person and the person or estate has a legal representative; or
- by publication in the same manner as service of citation by publication in other civil cases in the district courts or county courts if the property being condemned belongs to a nonresident of the state and there has been no personal service on the owner, if the identity or residence of the property owner is unknown, or if the property owner avoids service of notice by hiding.

Interested parties have noted that the statutory methods for serving notice of a hearing in an eminent domain proceeding do not include several methods commonly allowed by judges under the Texas Rules of Civil Procedure, such as registered or certified mail.

**DIGEST:** HB 2831 would eliminate certain requirements for serving notice of a hearing in an eminent domain proceeding. Under the bill, such notice could be served by delivering a copy of the notice to the party or to the party's agent or attorney or in another manner provided by the Texas Rules of Civil Procedure for service of citation.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2019.

