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August 31, 2020

The Honorable Tom Craddick

Texas House of Representatives Land & Resource Management

Submitted via email: Tom.Craddick@house.texas.gov

Dear Chairman Craddick and Committee Members,

The Texas Land & Mineral Owners Association (TLMA) is grateful for the opportunity to provide the following comments on your Request for Information regarding the House Land & Resource Management Committee Interim Charge Number 2 - Review, in coordination with the Office of Attorney General, the efficacy of the Landowner's Bill of Rights (LBoR) in explaining to landowners the eminent domain condemnation process and their rights and responsibilities under Chapter 21 of the Property Code. Identify any omitted information which can enhance the landowner's understanding of the condemnation process and determine whether any other changes should be made to the document to make it more user friendly. Determine whether it would be beneficial for the legislature to be more prescriptive in statute with the mandatory contents of the LBoR.

TLMA represents over 900 landowners, farmers, ranchers, mineral, and royalty owners in all 247 Texas counties. Our members own well over 3.5 million surface acres in Texas. Since many of our members receive royalty income, they have a vested interest in a healthy oil and gas industry and believe that the protection of private property rights and a healthy industry are not mutually exclusive.

The eminent domain process has been scrutinized for many years to create fairness for both parties. While Texas prides itself on being a pro-private property rights state, the eminent domain process is heavily favored to the entity with condemnation power. By no means should anyone feel that provision of a piece of paper titled "Landowner's Bill of Rights" from a condemning entity to someone who's hard earned land is at risk of being taken is a tool of any significance whatsoever.

TLMA believes a fundamental aspect of protecting property rights' is the ability to negotiate in good faith. What one landowner believes is adequate compensation for their land, may not be what the adjoining landowner would like to receive in exchange for their land. The condemnation process removes nearly all negotiations and should be a last resort after failed negotiations between the parties, not a starting point.

The Landowner's Bill of Rights is a small part of a much larger, detailed process and is not indicative of the efficacy of the eminent domain process. The challenges a person faces anytime they are notified of condemnation, and even in the negotiating process, cannot and should not be detailed in a single document.

The LBoR should additionally include the right of a landowner to challenge in court whether the entity has the right to condemn or not. Currently it only speaks to the Award amount. The LBoR also does not include what or how much property an entity is authorized to take permanently or

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what condemning entities are permitted to condemn. While it mentions Chapter 21 of the Texas Property Code, simple reference to statute is by no means a full explanation of what someone's rights and legal remedies may be.

While we know that legislating fair negotiations between two parties is a difficult endeavor, expanding the Landowner's Bill of Rights should not be considered the solution to this multifaceted issue. Frequently, landowners are educated on their rights and understand the process, but do not have access to resources to adequately represent them throughout the process. Viewing an update to the LBoR as a solution doesn't address this fundamental disparity and assumes that the landowner is uneducated and does not understand the process.

We appreciate the opportunity to provide this input and look forward to developing policy to protect the rights' of all Texans, as well as continuing to allow the oil and gas industry to flourish. If you have any questions, I can be reached anytime at (512) 585-4970 or execdir@tlma.org.

Sincerely,

Jennifer Bremer
Executive Director
Texas Land & Mineral Owners Association