

By: Troxclair

H.B. No. 4217

A BILL TO BE ENTITLED

AN ACT

relating to the powers of certain public utility agencies; granting the power of eminent domain.

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

SECTION 1. Subchapter C, Chapter 572, Local Government Code, is amended by adding Sections 572.0585 and 572.0586 to read as follows:

Sec. 572.0585. POWERS IN CERTAIN COUNTIES. Notwithstanding Section 572.058(a), in a county with fewer than one million utility connections, a public utility agency may:

(1) own, hold, lease, or otherwise acquire water;

(2) build, operate, or maintain pipelines to transport water or wastewater;

(3) build and operate plants and equipment necessary to distribute water or to treat and dispose of wastewater;

(4) sell water or provide wastewater services to a political subdivision, a private corporation, or an individual;

(5) establish and enforce reasonable customer water conservation practices and prohibit excessive or wasteful customer uses of potable water; and

(6) acquire, for the use and benefit of the agency, land, easements, and property by purchase.

Sec. 572.0586. EMINENT DOMAIN IN CERTAIN COUNTIES. (a) In a county with fewer than one million utility connections, a public

1 utility agency has the power of eminent domain to be exercised in  
2 the manner provided by this section. The public utility agency may  
3 acquire by condemnation, for the use and benefit of the agency,  
4 land, easements, and property inside or outside the boundaries of  
5 the certificated service area of the public utility agency,  
6 necessary for water, sanitary sewer, storm drainage, or flood  
7 drainage or control purposes or for any other of its projects or  
8 purposes. The public utility agency may elect to condemn either the  
9 fee simple title or a lesser property interest.

10 (b) The power of eminent domain shall be exercised in the  
11 manner provided in Chapter 21, Property Code, except that the  
12 public utility agency is not required to:

13 (1) give bond for appeal or bond for costs in any  
14 condemnation suit or other suit to which it is a party; or

15 (2) deposit more than the amount of any award in any  
16 suit.

17 (c) The power of eminent domain may not be used for the  
18 condemnation of land for the purpose of acquiring rights to  
19 underground water or of water or water rights.

20 SECTION 2. Section 572.0586, Local Government Code, as  
21 added by this Act, takes effect only if this Act receives a  
22 two-thirds vote of all the members elected to each house.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2023.