

1-1 By: Troxclair (Senate Sponsor - Springer) H.B. No. 4217
 1-2 (In the Senate - Received from the House May 12, 2023;
 1-3 May 15, 2023, read first time and referred to Committee on Local
 1-4 Government; May 22, 2023, reported favorably by the following
 1-5 vote: Yeas 8, Nays 0; May 22, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11			X	
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to the powers of certain public utility agencies; granting
 1-20 the power of eminent domain.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Subchapter C, Chapter 572, Local Government
 1-23 Code, is amended by adding Sections 572.0585 and 572.0586 to read as
 1-24 follows:

1-25 Sec. 572.0585. EMINENT DOMAIN IN CERTAIN COUNTIES. (a) A
 1-26 public utility agency has the power of eminent domain to be
 1-27 exercised in the manner provided by this section. The public
 1-28 utility agency may acquire by condemnation, for the use and benefit
 1-29 of the agency, land, easements, and property inside the service
 1-30 area of the public utility agency, necessary for water, sanitary
 1-31 sewer, storm drainage, or flood drainage or control purposes or for
 1-32 any other of its projects or purposes. The public utility agency
 1-33 may elect to condemn either the fee simple title or a lesser
 1-34 property interest.

1-35 (b) The power of eminent domain shall be exercised in the
 1-36 manner provided in Chapter 21, Property Code, except that the
 1-37 public utility agency is not required to:

1-38 (1) give bond for appeal or bond for costs in any
 1-39 condemnation suit or other suit to which it is a party; or

1-40 (2) deposit more than the amount of any award in any
 1-41 suit.

1-42 (c) The power of eminent domain may not be used for the
 1-43 condemnation of land for the purpose of acquiring rights to
 1-44 underground water or of water or water rights.

1-45 (d) This section only applies to a public utility agency
 1-46 domiciled in a county with a population of more than 1.2 million.

1-47 Sec. 572.0586. EXTENSION OF SERVICES. A public utility
 1-48 agency shall hold a public hearing and provide an opportunity for
 1-49 public comment before extending service to new customers located
 1-50 outside the service area identified in the 10-year capital
 1-51 improvements plan adopted in compliance with Chapter 395 that is in
 1-52 effect when an application for extension of service is received.

1-53 SECTION 2. Section 572.0585, Local Government Code, as
 1-54 added by this Act, takes effect only if this Act receives a
 1-55 two-thirds vote of all the members elected to each house.

1-56 SECTION 3. Except as otherwise provided by this Act, this
 1-57 Act takes effect immediately if it receives a vote of two-thirds of
 1-58 all the members elected to each house, as provided by Section 39,
 1-59 Article III, Texas Constitution. If this Act does not receive the
 1-60 vote necessary for immediate effect, this Act takes effect
 1-61 September 1, 2023.

1-62 * * * * *