

By: Zaffirini

S.B. No. 2386

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an electric cooperative to use the power of eminent domain to acquire certain real property.

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

SECTION 1. Section 161.125, Utilities Code, is amended to read as follows:

Sec. 161.125. EMINENT DOMAIN. (a) An electric cooperative may exercise the power of eminent domain in the manner provided by state law for acquiring private property for public use. The power does not apply to state property or property of a political subdivision in this state.

(b) An electric cooperative may not exercise the power of eminent domain to acquire an interest in real property to drill, mine, or produce from that property oil, gas, geothermal resources, geothermal/geopressured resources, or lignite, coal, sulphur, uranium, plutonium, or other minerals that belong to another person regardless of whether the material is in place or is in the process of being drilled, mined, or produced.

SECTION 2. The change in law made by this Act applies only to the acquisition of real property in connection with an initial offer made under Section 21.0113, Property Code, on or after the effective date of this Act. An acquisition of real property in connection with an initial offer made under Section 21.0113, Property Code, before the effective date of this Act is governed by

1 the law applicable to the acquisition immediately before the
2 effective date of this Act, and that law is continued in effect for
3 that purpose.

4 SECTION 3. This Act takes effect September 1, 2023.