

By: Wentworth

S.B. No. 1116

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a water and sewer utility to acquire property by eminent domain.

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

SECTION 1. Subchapter G, Chapter 13, Water Code, is amended by adding Section 13.258 to read as follows:

Sec. 13.258. EMINENT DOMAIN. (a) A water and sewer utility that is operating pursuant to a valid certificate of convenience and necessity may acquire by condemnation any easements or lesser property interests reasonably necessary to comply with federal and state regulations.

(b) The right of eminent domain shall be exercised in the manner provided by Chapter 21, Property Code.

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

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.