

1-1 By: Wentworth S.B. No. 1116
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 11, 2005, reported favorably by the following vote: Yeas 8,
1-5 Nays 0; April 11, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to the authority of a water and sewer utility to acquire
1-9 property by eminent domain.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter G, Chapter 13, Water Code, is amended
1-12 by adding Section 13.258 to read as follows:

1-13 Sec. 13.258. EMINENT DOMAIN. (a) A water and sewer
1-14 utility that is operating pursuant to a valid certificate of
1-15 convenience and necessity may acquire by condemnation any easements
1-16 or lesser property interests reasonably necessary to comply with
1-17 federal and state regulations.

1-18 (b) The right of eminent domain shall be exercised in the
1-19 manner provided by Chapter 21, Property Code.

1-20 (c) The power of eminent domain may not be used for the
1-21 condemnation of land for the purpose of acquiring rights to
1-22 underground water or of water or water rights.

1-23 SECTION 2. This Act takes effect immediately if it receives
1-24 a vote of two-thirds of all the members elected to each house, as
1-25 provided by Section 39, Article III, Texas Constitution. If this
1-26 Act does not receive the vote necessary for immediate effect, this
1-27 Act takes effect September 1, 2005.

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