

BILL ANALYSIS

H.B. 2561
By: Puente
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State and federal regulations, to ensure safe drinking water, require water providers to protect water sources from possible contamination. For water wells, this includes having a sanitary easement within a radius of the well.

H.B. 2561 would grant investor-owned water and wastewater utilities limited eminent domain power, allowing them to condemn an easement for the purposes of meeting state and federal sanitary regulations.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

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

Sec. 13.258. EMINENT DOMAIN.

- (a) Authorizes a water and sewer utility that is operating in accordance with its certificate of convenience and necessity to acquire by condemnation only easements or lesser property interests reasonably necessary to comply with federal and state regulations relating to sanitation.
- (b) Requires the water and sewer utility to exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.
- (c) Prohibits the water and sewer utility from exercising the power of eminent domain to condemn land to acquire rights to underground water or for water or water rights.
- (d) Prohibits a water and sewer utility from exercising the power of eminent domain in a municipality with a population of more than 1.7 million or in the municipality's extraterritorial jurisdiction to condemn land in which the municipality owns a fee, easement, or lesser property interest.

SECTION 2. Effective Date: Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.