

By: Puente

H.B. No. 2561

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 in accordance with its certificate of convenience and necessity may acquire by condemnation only easements or lesser property interests reasonably necessary to comply with federal and state regulations relating to sanitation.

(b) The water and sewer utility shall exercise the power of eminent domain in the manner provided by Chapter 21, Property Code.

(c) The water and sewer utility may not exercise the power of eminent domain to condemn land to acquire rights to underground water or for water or water rights.

(d) A water and sewer utility may not exercise 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. 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

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- 1 Act does not receive the vote necessary for immediate effect, this
- 2 Act takes effect September 1, 2007.