

By: Corte

H.B. No. 3055

A BILL TO BE ENTITLED

AN ACT

relating to the eminent domain authority of common carriers.

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

SECTION 1. Section 2206.001, Government Code, is amended by amending Subsection (c) and adding Subsection (f) to read as follows:

(c) This section does not affect the authority of an entity authorized by law to take private property through the use of eminent domain for:

(1) transportation projects, including, but not limited to, railroads, airports, or public roads or highways;

(2) entities authorized under Section 59, Article XVI, Texas Constitution, including:

(A) port authorities;

(B) navigation districts; and

(C) any other conservation or reclamation districts that act as ports;

(3) water supply, wastewater, flood control, and drainage projects;

(4) public buildings, hospitals, and parks;

(5) the provision of utility services;

(6) a sports and community venue project approved by voters at an election held on or before December 1, 2005, under Chapter 334 or 335, Local Government Code;

1 (7) the operations of:

2 (A) a common carrier [~~subject to Chapter 111,~~  
3 ~~Natural Resources Code, and Section B(3)(b), Article 2.01, Texas~~  
4 ~~Business Corporation Act~~]; or

5 (B) an energy transporter, as that term is  
6 defined by Section 186.051, Utilities Code;

7 (8) a purpose authorized by Chapter 181, Utilities  
8 Code;

9 (9) underground storage operations subject to Chapter  
10 91, Natural Resources Code;

11 (10) a waste disposal project; or

12 (11) a library, museum, or related facility and any  
13 infrastructure related to the facility.

14 (f) An exercise of eminent domain authority by a common  
15 carrier under Subsection (c)(7) is not invalid solely because the  
16 common carrier does not operate as a corporation under the laws of  
17 this state.

18 SECTION 2. The change in law made by this Act applies to an  
19 exercise of eminent domain authority by a common carrier for which a  
20 condemnation petition is filed before, on, or after the effective  
21 date of this Act.

22 SECTION 3. This Act takes effect immediately if it receives  
23 a vote of two-thirds of all the members elected to each house, as  
24 provided by Section 39, Article III, Texas Constitution. If this  
25 Act does not receive the vote necessary for immediate effect, this  
26 Act takes effect September 1, 2007.