

By: Corte

H.B. No. 1125

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the eminent domain authority of common carriers.

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

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

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

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

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

14 (A) port authorities;

15 (B) navigation districts; and

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

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

20 (4) public buildings, hospitals, and parks;

21 (5) the provision of utility services;

22 (6) a sports and community venue project approved by
23 voters at an election held on or before December 1, 2005, under
24 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, 2009.