

By: West

S.B. No. 2122

A BILL TO BE ENTITLED

AN ACT

relating to a limitation on the use of the power of eminent domain by certain water districts.

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

SECTION 1. Subchapter D, Chapter 51, Water Code, is amended by adding Section 51.197 to read as follows:

Sec. 51.197. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries.

SECTION 2. Subchapter D, Chapter 53, Water Code, is amended by adding Section 53.109 to read as follows:

Sec. 53.109. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries.

SECTION 3. Section 54.209, Water Code, is amended to read as follows:

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. A district may not exercise the power of eminent domain outside the district boundaries ~~[to acquire:~~

~~[(1) a site for a water treatment plant, water storage facility, wastewater treatment plant, or wastewater disposal plant,~~

~~[(2) a site for a park, swimming pool, or other recreational facility except a trail,~~

1           ~~[(3) a site for a trail on real property designated as~~  
2 ~~a homestead as defined by Section 41.002, Property Code, or~~  
3           ~~[(4) an exclusive easement through a county regional~~  
4 ~~park].~~

5           SECTION 4. The changes in law made by this Act apply only to  
6 a condemnation proceeding in which the petition is filed on or after  
7 the effective date of this Act. A condemnation proceeding in which  
8 the petition is filed before the effective date of this Act is  
9 governed by the law in effect on the date the petition was filed,  
10 and that law is continued in effect for that purpose.

11          SECTION 5. This Act takes effect immediately if it receives  
12 a vote of two-thirds of all the members elected to each house, as  
13 provided by Section 39, Article III, Texas Constitution. If this  
14 Act does not receive the vote necessary for immediate effect, this  
15 Act takes effect September 1, 2009.