

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 11, 2009

TO: Honorable Allan Ritter, Chair, House Committee on Natural Resources

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: SB1254 by Seliger (Relating to limits on the purpose and power of a fresh water supply district.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would add Section 53.108 to the Water Code to require a fresh water supply district to notify and receive approval from the county commissioners court in the county in which power of eminent domain is to be exercised by the district if the affected land, easement, or other property is located more than five miles outside the district's boundaries.

After a district receives approval from the county commissioners court, the district would be required to submit a written application for approval to exercise eminent domain to the Texas Commission on Environmental Quality (TCEQ) and to follow procedures determined by TCEQ. TCEQ would be required to publish notice and hold a public hearing regarding the application. TCEQ would also be required by rule to establish procedures for public notice and hearing of applications. The procedures must include provision of notice to elected state and local officials who represent residents of the district and of the property proposed for condemnation.

Provisions of Section 53.108 would apply only to an exercise of power of eminent domain by a district that has filed a condemnation petition on or after the effective date of the bill. The bill would take effect immediately if it were to receive the required two-thirds vote in each house; otherwise, it would take effect September 1, 2009.

Based on information provided by TCEQ, it is assumed that any costs associated with implementation could be absorbed within existing resources.

Local Government Impact

The procedural requirements that would be imposed on a district and an affected county commissioners court under provisions of the bill are not anticipated on their own to have a significant fiscal impact on a district or the commissioners court. However, other fiscal implications would depend on the decision to approve or disapprove the requested use of the power of eminent domain, which could result in having a significant fiscal impact.

Source Agencies: 582 Commission on Environmental Quality

LBB Staff: JOB, SD, DB