By: Money H.B. No. 1283

A BILL TO BE ENTITLED

AN ACT

relating to the exercise of the power of eminent domain by a political subdivision to acquire property outside the political subdivision's boundaries.

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

SECTION 1. Section 1505.114(a), Government Code, is amended to read as follows:

(a) A municipality may exercise the power of eminent domain to acquire the fee simple title to, an easement in, or a right-of-way over or through any property inside the corporate boundaries of the municipality, including water or land under water, that the governing body of the municipality determines necessary to accomplish a purpose provided by Section 1505.103 [~~without regard to whether the property is inside or outside the municipality~~].

SECTION 2. The heading to Subchapter A, Chapter 2206, Government Code, is amended to read as follows:

SUBCHAPTER A. LIMITATIONS ON PURPOSE, [~~AND~~] USE, AND LOCATION OF PROPERTY ACQUIRED THROUGH EMINENT DOMAIN

SECTION 3. Subchapter A, Chapter 2206, Government Code, is amended by adding Section 2206.003 to read as follows:

Sec. 2206.003. LIMITATION ON USE OF EMINENT DOMAIN OUTSIDE POLITICAL SUBDIVISION BOUNDARIES. Notwithstanding any other law, a political subdivision of this state may not take through the use of

eminent domain public or private property located outside the political subdivision's boundaries.

SECTION 4. Section 63.017, Human Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to read as follows:

(a) In the instance of a facility formed by a single county, the commissioners court of the creating county may acquire, through gift, purchase, condemnation, or any other method, real property for the purpose of locating a facility on such property. Except as provided by Subsection (a-1), such [~~Such~~] property may be acquired outside of the boundaries of the creating county if, in the opinion of the commissioners court of the forming county, there will exist a demand for the services to be provided by the facility in the county in which the facility is to be located in addition to any need which may already exist within the boundaries of the creating county.

(a-1) The commissioners court of the creating county may not acquire real property outside of the boundaries of the creating county through condemnation under Subsection (a).

SECTION 5. Section 241.903, Local Government Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Except as provided by Subsection (c), an [~~An~~] acquisition under this section may be by purchase, grant, or condemnation in the manner provided by Subchapter B, Chapter 21, Property Code.

(c) A political subdivision may acquire an estate or interest in property or a nonconforming structure by condemnation

under this section only if the property or structure is located inside the boundaries of the political subdivision.

SECTION 6. Section 251.001(a), Local Government Code, is amended to read as follows:

(a) When the governing body of a municipality considers it necessary, the municipality may exercise the right of eminent domain for a public use to acquire public or private property[~~,~~ ~~whether~~] located inside [~~or outside~~] the corporate boundaries of the municipality, for any of the following uses:

(1) the providing, enlarging, or improving of a municipally owned city hall; police station; jail or other law enforcement detention facility; fire station; library; school or other educational facility; academy; auditorium; hospital; sanatorium; market house; slaughterhouse; warehouse; elevator; railroad terminal; airport; ferry; ferry landing; pier; wharf; dock or other shipping facility; loading or unloading facility; alley, street, or other roadway; park, playground, or other recreational facility; square; water works system, including reservoirs, other water supply sources, watersheds, and water storage, drainage, treatment, distribution, transmission, and emptying facilities; sewage system including sewage collection, drainage, treatment, disposal, and emptying facilities; electric or gas power system; cemetery; and crematory;

(2) the determining of riparian rights relative to the municipal water works;

(3) the straightening or improving of the channel of any stream, branch, or drain;

(4) the straightening, widening, or extending of any alley, street, or other roadway; and

(5) any other municipal public use the governing body considers advisable.

SECTION 7. Section 273.001, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The property must be located within the county where the municipality or other governmental entity is located. Except as provided by Subsection (b-1), the [~~The~~] property may be located inside or outside the corporate limits of the municipality.

(b-1) A municipality may acquire property through condemnation under Subsection (a) only if the property is located inside the corporate limits of the municipality.

SECTION 8. Section 273.003(a), Local Government Code, is amended to read as follows:

(a) If, in acting under this chapter, it is necessary for a municipality or other governmental entity to exercise [~~the power of eminent domain,~~] a police power[~~,~~] or any other power in order to make an alteration, including relocating, raising, lowering, rerouting, changing the grade, or altering the construction of a railroad, electric transmission, telegraph or telephone line, conduit, pole, property or facility, or pipeline outside the corporate limits of municipalities, the alteration shall be made at the sole expense of the municipality or other governmental entity.

SECTION 9. Section 280.001(b), Local Government Code, is amended to read as follows:

(b) Land acquired under this section by a county must be located within the county. Land acquired under this section by a municipality must be located within the county in which the municipality is located, except that land acquired by a municipality by condemnation under this section must be located within the corporate boundaries of the municipality.

SECTION 10. Section 281.050, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) Except as provided by Subsection (b-1), an [~~An~~] authority may acquire fee simple title to, or an easement on, public or private land located in or out of the authority's boundaries. An authority may acquire title to, or an easement on, property that is not held in fee.

(b-1) An authority may acquire fee simple title to or an easement on land by condemnation under this section only if the land is located inside the authority's boundaries.

SECTION 11. Section 331.001, Local Government Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) Except as provided by Subsection (d), land [~~Land~~] acquired by a municipality under Subsection (b) may be situated inside or outside the municipality but must be within the county in which the municipality is situated, and land acquired by a county under Subsection (b) must be within the limits of the county. The land may be acquired in any size tract considered suitable by the governing body of the municipality or county.

(d) A municipality may acquire land by eminent domain proceeding under Subsection (b) only if the land is located inside the corporate limits of the municipality.

SECTION 12. Section 552.002, Local Government Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) A home-rule municipality may buy, own, construct inside or outside the municipal limits, and maintain and operate a gas system, electric lighting plant, sewage plant, or other public service or public utility and may require and receive compensation for services furnished for private purposes or otherwise. Except as provided by Subsection (b-1), the [~~The~~] municipality may use eminent domain authority to appropriate real property, rights-of-way, or other property as necessary to efficiently carry out those objects. The municipality may condemn the property of any person that conducts such a business or utility service for the purpose of operating and maintaining the public service or public utility and distributing the utility services in the municipality. In its charter, the municipality may adopt rules it considers advisable for the acquisition or operation of the public service or public utility.

(b-1) A municipality may appropriate property through eminent domain authority under Subsection (b) only if the property is located inside the corporate limits of the municipality.

SECTION 13. Section 552.011, Local Government Code, is amended to read as follows:

Sec. 552.011. USE OF EMINENT DOMAIN POWER. A municipality

that owns its water system may exercise the power of eminent domain to condemn private property located inside [~~or outside~~] the municipal limits to acquire rights-of-way for digging or excavating canals or for laying water mains or other pipelines to bring water into the municipality for public use.

SECTION 14. Section 552.012, Local Government Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), the [~~The~~] municipality, acting alone or with one or more other municipalities to which this section applies, may:

(1) receive or acquire by gift, dedication, purchase, or condemnation any property in this state, located inside or outside the municipal boundaries, to build or acquire:

(A) water purification and treatment facilities;

(B) reservoirs; or

(C) pipelines and any type of water transportation facilities considered necessary to provide the municipality or municipalities with fresh water for municipal, domestic, and industrial purposes; and

(2) construct or otherwise acquire any facility described by Subdivision (1).

(c-1) A municipality may acquire property through condemnation under Subsection (c) only if the property is located inside the corporate limits of the municipality.

SECTION 15. Section 221.021, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (a-1) to

read as follows:

(a) With the approval of the General Land Office, a state agency or eligible political subdivision may take any necessary and reasonable action to comply with a federal requirement to establish or maintain a mitigation bank. An action under this section may include:

(1) authorizing or making a continuing study of wetland areas and wetland mitigation programs;

(2) consistent with federal requirements, engaging in a wetland mitigation program and adopting and enforcing permanent land use and control measures on land the agency or subdivision owns in a mitigation bank;

(3) consulting with, providing information to, and entering into an agreement with a federal agency to identify and publish information about wetland areas;

(4) cooperating with a federal or state agency in connection with a study or investigation regarding the adequacy of a local measure with respect to a federal or state wetland program;

(5) improving the long-range management or use of wetland or a wetland mitigation bank;

(6) except as provided by Subsection (a-1), purchasing, leasing, condemning, or otherwise acquiring property inside or outside the eligible political subdivision that is necessary for a wetland mitigation bank or buffer zone and, as necessary, improving the land or other property as a wetland mitigation bank, including any adjacent buffer zone, to comply with a federal requirement;

(7) requesting or receiving aid from a federal or state agency or an eligible political subdivision;

(8) purchasing, selling, or contracting to purchase or sell a mitigation credit in a mitigation bank;

(9) incurring a liability or borrowing money on terms approved by the governing body of the subdivision;

(10) acquiring, holding, using, selling, leasing, or disposing of real or personal property, including a license, patent, right, or interest, that is necessary, convenient, or useful for the full exercise of a power under this chapter;

(11) contracting with any operator to use or operate any part of a mitigation bank; and

(12) procuring any type of insurance and paying an insurance premium in an amount the governing body of the eligible political subdivision considers necessary or advisable.

(a-1) An eligible political subdivision may acquire property through condemnation under Subsection (a)(6) only if the property is located inside the boundaries of the political subdivision.

SECTION 16. Section 5010.0307(b), Special District Local Laws Code, is amended to read as follows:

(b) If necessary or convenient to exercising a power, right, privilege, or function conferred on the district by this chapter, the district:

(1) by gift or purchase may acquire property or an interest in property that is inside or outside the district boundaries; or

(2) by exercising the power of eminent domain may acquire property or an interest in property that is inside [~~or outside~~] the district boundaries.

SECTION 17. Section 6604.102(a), Special District Local Laws Code, is amended to read as follows:

(a) The district:

(1) by gift, devise, purchase, lease, or exercise of the power of eminent domain, may acquire inside the district an easement, right-of-way, or other property needed to carry on the work of the district; and

(2) by means other than the exercise of the power of eminent domain [~~or otherwise~~], may acquire outside the district an easement or right-of-way.

SECTION 18. Section 6902.117(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land or any other interest in land and other property and easements, including water rights, land, or any interest in land needed for water fields, water wells, or reservoir and dam and flood easements above the probable high water line around any reservoirs inside [~~or outside~~] the district.

SECTION 19. Section 6903.157(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire land and easements inside [~~or outside~~] the district, including land

above the probable high water line around the reservoirs.

SECTION 20. Section 6904.159(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside [~~or outside~~] the district, including land or an interest in land needed for:

(1) a well; or

(2) a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

SECTION 21. Section 6905.166(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out an authority provided by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title, or any other interest in land, and other property and easements, inside [~~or outside~~] the district, including land or an interest in land needed for a reservoir, dam, or flood easement above the probable high water line around any reservoir.

SECTION 22. Section 6906.116(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside [~~or outside~~] the district.

SECTION 23. Section 6913.153(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire land and easements inside [~~or outside~~] the district in Haskell County.

SECTION 24. Section 7202.103(a), Special District Local Laws Code, is amended to read as follows:

(a) The [~~Except as provided by Subsection (b), the~~] district has all the authority under Chapters 49 and 65, Water Code, of a special utility district to acquire by condemnation any land, easement, or other property located inside [~~or outside~~] the boundaries of the district for any district project or purpose.

SECTION 25. Section 7204.103(a), Special District Local Laws Code, is amended to read as follows:

(a) The [~~Except as provided by Subsection (b), the~~] district has all the authority under Chapters 49 and 65, Water Code, of a special utility district to acquire by condemnation any land, easement, or other property located inside [~~or outside~~] the boundaries of the district for any district project or purpose.

SECTION 26. Section 7205.103(a), Special District Local Laws Code, is amended to read as follows:

(a) The [~~Except as provided by Subsection (b), the~~] district has all the power and authority of a special utility district under Chapters 49 and 65, Water Code, to acquire by condemnation any land, easement, or other property located inside [~~or outside~~] the boundaries of the district for any district project or purpose.

SECTION 27. Section 7206.103(a), Special District Local Laws Code, is amended to read as follows:

(a) The [~~Except as provided by Subsection (b), the~~] district

has all the power and authority of a special utility district under Chapters 49 and 65, Water Code, to acquire by condemnation any land, easement, or other property located inside [~~or outside~~] the boundaries of the district for any district project or purpose.

SECTION 28. Section 7803.103(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may exercise the power of eminent domain in Dallas County to acquire the fee simple title to or an easement or right-of-way to, over, or through any private or public land, water, or land under water that is in the district[~~, borders the district, is adjacent or opposite to the district, or is outside of the district~~] if the property has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for making, constructing, and maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering the district to prevent the overflow of water.

SECTION 29. Section 7811.102(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may exercise the power of eminent domain in Dallas County to acquire the fee simple title to or an easement or right-of-way to, over, or through any land, water, or land under water inside [~~or outside~~] the district that has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for constructing and maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering

the district and to prevent overflows.

SECTION 30. Section 7816.0302(a), Special District Local Laws Code, is amended to read as follows:

(a) The district may exercise the power of eminent domain in Cameron County to acquire the fee simple title to or an easement or right-of-way to, over, or through any land, water, or land under water inside [~~or outside~~] the district that has a direct effect on the accomplishment of the purposes for which the district is created and is necessary for constructing and maintaining all levees and other improvements for the improvement of rivers, creeks, streams, or drainage courses in the district or bordering the district and to prevent overflows.

SECTION 31. Section 8183.155(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land and other property and easements, inside [~~or outside~~] the district, including land needed for a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

SECTION 32. Section 8203.104(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 33. Section 8204.104(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 34. Section 8206.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 35. Section 8210.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 36. Section 8211.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 37. Section 8212.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 38. Section 8232.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an

easement, or other property [~~inside or outside the district~~].

SECTION 39. Section 8241.105(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 40. Section 8244.103(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 41. Section 8263.103(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 42. Section 8268.103(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 43. Section 8269.103(c), Special District Local Laws Code, is amended to read as follows:

(c) The district may not, for the development or maintenance of a recreational facility, acquire by condemnation land, an easement, or other property [~~inside or outside the district~~].

SECTION 44. Section 8283.154, Special District Local Laws

Code, is amended to read as follows:

Sec. 8283.154. EMINENT DOMAIN. To carry out an authority power or purpose, the authority, in the manner provided by Chapter 49, Water Code, may exercise the power of eminent domain to acquire land, an easement, or other property inside [~~or outside~~] the authority's boundaries.

SECTION 45. Section 8288.109(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain inside [~~or outside~~] the district to acquire the fee simple title to land, or any other interest in land as determined by the board, and other property and easements, necessary for water wells, water or sewer treatment plants, water or sewer lines, pumping stations and force mains, storage tanks, or other similar facilities.

SECTION 46. Section 8501.164(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may exercise the power of eminent domain to acquire fee simple title to, or an easement over or through, any land, water, or land under water that is necessary or convenient for carrying out any purpose or power given to the authority by this chapter. The power applies to private or public property inside [~~or outside~~] the authority.

SECTION 47. Section 8502.014(c), Special District Local Laws Code, is amended to read as follows:

(c) The authority may exercise the power of eminent domain for the purpose of acquiring by condemnation property of any kind,

real, personal, or mixed, or any interest in property, within [~~or outside~~] the boundaries of the authority, [~~other than property or an interest in property outside the boundaries of the authority owned by any body politic,~~] that is necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter, in the manner provided by general law with respect to condemnation or, at the option of the authority, in the manner provided by statutes relative to condemnation by districts organized under general law under Section 59, Article XVI, Texas Constitution.

SECTION 48. Section 8503.004(g), Special District Local Laws Code, is amended to read as follows:

(g) The authority may acquire by condemnation property of any kind, real, personal, or mixed, or any interest in property, within [~~or outside~~] the boundaries of the authority, [~~other than property or an interest in property outside the boundaries of the authority owned by a body politic,~~] that is necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter. The authority shall exercise the condemnation power in the manner provided by general law with respect to condemnation or, at the option of the authority, in the manner provided by state law relating to condemnation by districts organized under general law under Section 59, Article XVI, Texas Constitution.

SECTION 49. Section 8504.109(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may exercise the power of eminent domain

inside [~~or outside~~] the authority to acquire the fee simple title to, or an easement or right-of-way over or through, any private or public land, water, or land under water that is necessary or convenient for carrying out any purpose or power conferred on the authority by this chapter.

SECTION 50. Section 8506.107(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may acquire, maintain, use, and operate property of any kind or any interest in property, inside or outside the boundaries of the authority, necessary or convenient to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter. The authority may acquire the property or interest in property by purchase, lease, gift, exercise of the power of eminent domain, or any other manner, except that the authority may not acquire by exercise of the power of eminent domain property or an interest in property outside the boundaries of the authority.

SECTION 51. Section 8508.0114(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may exercise the power of eminent domain to acquire land inside [~~or outside~~] the authority to carry out a power, right, privilege, or function authorized by this chapter if the board, after notice and hearing, determines that the action is necessary.

SECTION 52. Section 8509.0160(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the

district may exercise the power of eminent domain to acquire[~~:~~

[~~(1)~~] the fee simple title to land and other property and easements inside the district, including land needed for a reservoir or dam or a flood easement above the probable high-water line around a reservoir[~~; and~~

[~~(2) the fee simple title to land and other property and easements outside the district, except for land, other property, and easements to be used for a dam or facility for the impoundment or storage of water~~].

SECTION 53. Section 8511.0317(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may exercise the power of eminent domain under Chapter 21, Property Code, to acquire property of any kind inside [~~or outside~~] the authority that is appropriate for the exercise of its functions.

SECTION 54. Section 8513.0319(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may acquire by purchase, lease, gift, or any other manner and maintain, use, and operate property of any kind inside or outside the authority necessary to the exercise of the powers, rights, privileges, and functions conferred on the authority by this chapter and by the exercise of the power of eminent domain in the manner provided by Subsection (b)<u>, except that the authority may not acquire by exercise of the power of eminent domain property outside the authority</u>.

SECTION 55. Section 8813.119(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may acquire by condemnation any land, easements, or other property inside the authority's boundaries to further authorized purposes, powers, or duties of the authority. [~~The authority may acquire by condemnation any land, easements, or other property outside the authority's boundaries for the purposes of pumping, storing, treating, or transporting water.~~] When exercising the power of eminent domain granted by this section, the authority may elect to condemn either the fee simple title or a lesser property interest.

SECTION 56. Section 8815.117(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may acquire by condemnation any land, easements, or other property inside the authority's boundaries to further authorized purposes, powers, or duties of the authority. [~~The authority may acquire by condemnation any land, easements, or other property outside the authority's boundaries for the purpose of pumping, storing, treating, or transporting water.~~] When exercising the power of eminent domain granted by this section, the authority may elect to condemn either the fee simple title or a lesser property interest.

SECTION 57. Section 8878.118(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may acquire by condemnation any land, easements, or other property inside the authority's boundaries to further authorized purposes, powers, or duties of the authority. [~~The authority may acquire by condemnation any land, easements, or other property outside the authority's boundaries for~~

~~the purposes of pumping, storing, treating, or transporting water.~~] When exercising the power of eminent domain granted by this section, the authority may elect to condemn either the fee simple title or a lesser property interest.

SECTION 58. Section 9015.201(a), Special District Local Laws Code, is amended to read as follows:

(a) The authority may exercise the power of eminent domain in Jim Wells County to acquire fee simple title to, an easement or right-of-way in or on, or other interest in land or other property inside [~~or outside~~] the authority, necessary to the exercise of the authority's powers, rights, privileges, and functions under this chapter.

SECTION 59. Section 9015.202(b), Special District Local Laws Code, is amended to read as follows:

(b) The power is strictly limited to an acquisition necessary to acquire:

(1) an easement or right-of-way necessary to build a pipeline from the city to a point on the Nueces River from which water will be obtained from Corpus Christi under a contract;

(2) fee simple title to any land reasonably necessary for the erection of a pumping station or stations near the pipeline to be built under Subdivision (1); or

(3) land or an interest in land located inside [~~or outside~~] the authority on which to place reservoirs, works, wells, plants, transmission lines, or other facilities necessary or helpful in impounding, storing, or treating water or in transporting water to the city or to others for municipal,

domestic, agricultural, commercial, or other purposes.

SECTION 60. Section 9037.004(a), Special District Local Laws Code, is amended to read as follows:

(a) The temporary directors may not hold an election under Section 9037.003 until:

(1) each municipality in whose corporate limits or extraterritorial jurisdiction the district is located has consented by ordinance or resolution to the creation of the district and to the inclusion of land in the district;

(2) each municipality in whose extraterritorial jurisdiction the district is located has:

(A) approved and entered into a strategic partnership agreement with the district under Section 43.0751, Local Government Code; and

(B) approved and entered into a development agreement with the owners of land in the district under Section 212.172, Local Government Code;

(3) an agreement that addresses the provision of water and wastewater treatment to the land in the district has been approved and entered into by:

(A) each municipality in whose extraterritorial jurisdiction the district is located;

(B) the commissioners court of each county in which the district is located;

(C) a retail or wholesale provider of water and wastewater treatment; and

(D) the owners of land in the district;

(4) the commissioners court of each county in which the district is located has issued an order making the findings under Sections 51.021(a)(1), (2), (3), and (4), Water Code; and

(5) the commissioners court of each county in which the district is located has approved and entered into an agreement with the district that must include, but is not limited to, provisions relating to the use of county right-of-way, [~~the district's exercise of the power of eminent domain outside the boundaries of the district,~~] drainage serving the land in the district, platting of land in the district, and the provision of water and wastewater treatment to the land in the district.

SECTION 61. Section 9055.156(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power provided by this chapter, the district may exercise the power of eminent domain to acquire land and easements inside [~~or outside~~] the district in Wise County, including land above the probable high water line around the reservoirs.

SECTION 62. Section 9092.0307(a), Special District Local Laws Code, is amended to read as follows:

(a) The district, by gift, devise, purchase, lease, or condemnation, may acquire land, an easement, right-of-way, or other property in [~~or outside~~] the district that is incident to or necessary in carrying out a district purpose. The district, by gift, devise, purchase, or lease, may acquire land, an easement, right-of-way, or other property outside the district that is incident to or necessary in carrying out a district purpose.

SECTION 63. Section 11003.159(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside [~~or outside~~] the district, including land or an interest in land needed for:

(1) a well; or

(2) a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

SECTION 64. Section 11005.159(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside [~~or outside~~] the district, including land or an interest in land needed for a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

SECTION 65. Section 11006.158(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the authority may exercise the power of eminent domain to acquire the fee simple title to land, or any other interest in land, and other property and easements, inside [~~or outside~~] the authority, including land or an interest in land needed for a reservoir, dam, or flood easement above the probable high-water line around a reservoir.

SECTION 66. Section 11007.109(a), Special District Local Laws Code, is amended to read as follows:

(a) To carry out a power conferred by this chapter, the district may exercise the power of eminent domain inside [~~or outside~~] the district to acquire the fee simple title to land, or any other interest in land as determined by the board, and other property and easements, necessary for water wells, water or sewer treatment plants, water or sewer lines, pumping stations and force mains, storage tanks, or other similar facilities.

SECTION 67. Section 22.011, Transportation Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Except as provided by Subsection (c-1), a [~~A~~] local government, by eminent domain or any other method, may acquire an interest in property, including an easement in an airport hazard or land outside the boundaries of an airport or airport site:

(1) for a purpose described by Subsection (a); and

(2) as necessary to permit the safe and efficient operation of the airport or to prevent, eliminate, or mark an airport hazard.

(c-1) A local government may acquire an interest in property by eminent domain under Subsection (c) only if the property is located inside the boundaries of the local government.

SECTION 68. Section 30.033(b), Water Code, is amended to read as follows:

(b) To accomplish the purposes of the chapter, a district may exercise the power of eminent domain to acquire all or any

interest in property inside [~~or outside~~] the boundaries of the district. A district may not exercise the power of eminent domain to acquire all or any interest in property outside the boundaries of the district. The power shall be exercised according to the laws applicable or available to the district.

SECTION 69. Section 49.222(a), Water Code, is amended to read as follows:

(a) A district or water supply corporation may acquire by condemnation any land, easements, or other property inside [~~or outside~~] the district boundaries, or the boundaries of the certificated service area for a water supply corporation, necessary for water, sanitary sewer, storm drainage, or flood drainage or control purposes or for any other of its projects or purposes, and may elect to condemn either the fee simple title or a lesser property interest.

SECTION 70. Section 57.269(f), Water Code, is amended to read as follows:

(f) If necessary the commissioners shall condemn and adjudge damages for land inside [~~or outside~~] the district that is needed for right-of-way or other purposes.

SECTION 71. The following provisions are repealed:

(1) Section 3828.106(b), Special District Local Laws Code;

(2) Section 3872.113(b), Special District Local Laws Code;

(3) Section 3877.108(c), Special District Local Laws Code;

(4) Section 3926.112(c), Special District Local Laws Code;

(5) Section 3929.112(c), Special District Local Laws Code;

(6) Section 5003.104, Special District Local Laws Code;

(7) Section 6603.104, Special District Local Laws Code;

(8) Section 6604.102(b), Special District Local Laws Code;

(9) Section 7202.103(b), Special District Local Laws Code;

(10) Section 7204.103(b), Special District Local Laws Code;

(11) Section 7205.103(b), Special District Local Laws Code;

(12) Section 7206.103(b), Special District Local Laws Code;

(13) Section 7211.103, Special District Local Laws Code;

(14) Section 7894.0307, Special District Local Laws Code;

(15) Section 7923A.0306, Special District Local Laws Code;

(16) Section 7953.107, Special District Local Laws Code;

(17) Section 7967A.0205, Special District Local Laws

Code;

(18) Section 7978.106, Special District Local Laws Code;

(19) Section 7989.055(a), Special District Local Laws Code;

(20) Section 7997.106, Special District Local Laws Code;

(21) Section 8008.106, Special District Local Laws Code;

(22) Section 8014.107, Special District Local Laws Code;

(23) Section 8048.0308(a), Special District Local Laws Code;

(24) Section 8061.0307, Special District Local Laws Code;

(25) Section 8065.0307, Special District Local Laws Code;

(26) Section 8068.0306, Special District Local Laws Code;

(27) Section 8077.0307, Special District Local Laws Code;

(28) Section 8109.158(b), Special District Local Laws Code;

(29) Section 8119.103(a), Special District Local Laws Code;

(30) Section 8120.103(a), Special District Local Laws Code;

(31) Section 8124.104, Special District Local Laws Code;

(32) Section 8129.104, Special District Local Laws Code;

(33) Section 8131.103, Special District Local Laws Code;

(34) Section 8135.103, Special District Local Laws Code;

(35) Section 8136.104(b), Special District Local Laws Code;

(36) Section 8137.106, Special District Local Laws Code;

(37) Section 8138.102(d), Special District Local Laws Code;

(38) Section 8138.105, Special District Local Laws Code;

(39) Section 8142.106, Special District Local Laws Code;

(40) Section 8143.106, Special District Local Laws Code;

(41) Section 8144.106, Special District Local Laws Code;

(42) Section 8145.106, Special District Local Laws Code;

(43) Section 8146.106, Special District Local Laws Code;

(44) Section 8147.105, Special District Local Laws

Code;

(45) Section 8148.055, Special District Local Laws Code;

(46) Section 8149.106, Special District Local Laws Code;

(47) Section 8153.104, Special District Local Laws Code;

(48) Section 8189.109, Special District Local Laws Code;

(49) Section 8199.111, Special District Local Laws Code;

(50) Section 8203.102(d), Special District Local Laws Code;

(51) Section 8204.102(d), Special District Local Laws Code;

(52) Section 8221.111, Special District Local Laws Code;

(53) Section 8249.106, Special District Local Laws Code;

(54) Section 8297.103, Special District Local Laws Code;

(55) Section 8304.106, Special District Local Laws Code;

(56) Section 8305.055, Special District Local Laws Code;

(57) Section 8306.108, Special District Local Laws Code;

(58) Section 8307.108, Special District Local Laws Code;

(59) Section 8309.109, Special District Local Laws Code;

(60) Section 8310.106, Special District Local Laws Code;

(61) Section 8311.106(a), Special District Local Laws Code;

(62) Section 8313.107, Special District Local Laws Code;

(63) Section 8315.109, Special District Local Laws Code;

(64) Section 8316.106, Special District Local Laws Code;

(65) Section 8317.055, Special District Local Laws Code;

(66) Section 8318.106, Special District Local Laws Code;

(67) Section 8319.107, Special District Local Laws Code;

(68) Section 8320.055, Special District Local Laws Code;

(69) Section 8321.055, Special District Local Laws Code;

(70) Section 8322.055, Special District Local Laws Code;

(71) Section 8323.055, Special District Local Laws

Code;

(72) Section 8324.109, Special District Local Laws Code;

(73) Section 8325.109, Special District Local Laws Code;

(74) Section 8326.106, Special District Local Laws Code;

(75) Section 8327.106, Special District Local Laws Code;

(76) Section 8328.105, Special District Local Laws Code;

(77) Section 8329.106, Special District Local Laws Code;

(78) Section 8330.105, Special District Local Laws Code;

(79) Section 8331.105, Special District Local Laws Code;

(80) Section 8332.107, Special District Local Laws Code;

(81) Section 8333.105, Special District Local Laws Code;

(82) Section 8334.106, Special District Local Laws Code;

(83) Section 8335.107, Special District Local Laws Code;

(84) Section 8336.105, Special District Local Laws Code;

(85) Section 8337.105, Special District Local Laws Code;

(86) Section 8338.055, Special District Local Laws Code;

(87) Section 8339.055, Special District Local Laws Code;

(88) Section 8340.105, Special District Local Laws Code;

(89) Section 8341.109, Special District Local Laws Code;

(90) Section 8342.107, Special District Local Laws Code;

(91) Section 8343.104, Special District Local Laws Code;

(92) Section 8344.104, Special District Local Laws Code;

(93) Section 8345.107, Special District Local Laws Code;

(94) Section 8346.105, Special District Local Laws Code;

(95) Section 8348.107, Special District Local Laws Code;

(96) Section 8350.106, Special District Local Laws Code;

(97) Section 8351.105, Special District Local Laws Code;

(98) Section 8352.055, Special District Local Laws

Code;

(99) Section 8353.106, Special District Local Laws Code;

(100) Section 8354.106, Special District Local Laws Code;

(101) Section 8355.108, Special District Local Laws Code;

(102) Section 8356.108, Special District Local Laws Code;

(103) Section 8357.106, Special District Local Laws Code;

(104) Section 8358.106, Special District Local Laws Code;

(105) Section 8359.110, Special District Local Laws Code;

(106) Section 8361.106, Special District Local Laws Code;

(107) Section 8362.106, Special District Local Laws Code;

(108) Section 8363.107, Special District Local Laws Code;

(109) Section 8365.106, Special District Local Laws Code;

(110) Section 8366.106, Special District Local Laws Code;

(111) Section 8367.106, Special District Local Laws Code;

(112) Section 8368.105, Special District Local Laws Code;

(113) Section 8369.111, Special District Local Laws Code;

(114) Section 8414.107, Special District Local Laws Code;

(115) Section 8488.106, Special District Local Laws Code;

(116) Sections 8888.171(b), (c), and (d), Special District Local Laws Code;

(117) Section 9002.101(d), Special District Local Laws Code;

(118) Section 9002.102, Special District Local Laws Code;

(119) Section 9008.104, Special District Local Laws Code;

(120) Section 9017.059, Special District Local Laws Code;

(121) Section 9022.105, Special District Local Laws Code;

(122) Section 9034.106, Special District Local Laws Code;

(123) Section 9037.106, Special District Local Laws Code;

(124) Section 9038.107, Special District Local Laws Code;

(125) Section 9039.107, Special District Local Laws

Code;

(126) Section 9040.104, Special District Local Laws Code;

(127) Section 9041.104, Special District Local Laws Code;

(128) Section 9047.106, Special District Local Laws Code;

(129) Section 9058.0306, Special District Local Laws Code;

(130) Section 9064.0306, Special District Local Laws Code;

(131) Section 9072.107, Special District Local Laws Code;

(132) Section 9074.107, Special District Local Laws Code;

(133) Section 9082.0306, Special District Local Laws Code;

(134) Section 9084.0306, Special District Local Laws Code;

(135) Section 9085.0306, Special District Local Laws Code;

(136) Section 9086.0306, Special District Local Laws Code;

(137) Section 9089.0306, Special District Local Laws Code;

(138) Section 9090.0306, Special District Local Laws Code;

(139) Section 11002.107(a), Special District Local Laws Code;

(140) Section 11004.114, Special District Local Laws Code; and

(141) Section 54.209, Water Code.

SECTION 72. The changes in law made by this Act apply only to the taking of public or private property by eminent domain for which a condemnation petition is filed on or after the effective date of this Act. A taking for which a condemnation petition is filed before the effective date of this Act is governed by the law in effect immediately before that date, and that law is continued in effect for that purpose.

SECTION 73. This Act takes effect September 1, 2027.