

## **BILL ANALYSIS**

Senate Research Center

H.B. 1208  
By: Gattis (Ogden)  
Natural Resources  
5/16/2005  
Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Current law allows a municipal utility district (district) to exercise the broad power of eminent domain to condemn private property outside of its boundaries. It is sometimes necessary for a district to use this power in order to obtain easements for water and wastewater utility lines and for flood or drainage control purposes. However, some districts abuse this power by initiating condemnation proceedings concerning property located outside of their district for purposes of constructing water/wastewater treatment facilities. Further, a district may exercise the power of eminent domain without considering whether an adequate site for a treatment plant already exists within its own boundaries. Finally, under existing law a district could plat the entire area within the district's boundaries for residential or recreational use, while going outside its boundaries to condemn the property for water or wastewater facilities.

H.B. 1208 limits the circumstances under which a district may exercise its authority to exercise the power of eminent domain outside the district's boundaries.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter D, Chapter 54, Water Code, by adding Section 54.209, as follows:

Sec. 54.209. LIMITATION ON USE OF EMINENT DOMAIN. Prohibits a municipal utility district from exercising the power of eminent domain outside the district boundaries to acquire a site to be used for certain purposes.

SECTION 2. Amends Subchapter D, Chapter 65, Water Code, by adding Section 65.202, as follows:

Sec. 65.202. LIMITATION ON USE OF EMINENT DOMAIN. Prohibits a special utility district from exercising the power of eminent domain outside the district boundaries to acquire a site to be used for certain purposes.

SECTION 3. Amends Section 4.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, by adding Subsection (f), to provide that Section 54.209, Water Code, does not apply to the district (North Harris County Regional Water Authority).

SECTION 4. Makes application of this Act prospective.

SECTION 5. Effective date: upon passage or September 1, 2005.