

BILL ANALYSIS

Senate Research Center
79R8627 HLT-D

S.B. 1116
By: Wentworth
Natural Resources
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

State and federal drinking water regulations require public water systems to have sanitary easements around their drinking water supplies. Unlike other public water providers, such as cities, districts, and water supply corporations, investor-owned utilities do not have eminent domain authority. Often landowners refuse to provide a sanitary easement or demand a high price for the easement.

As proposed, S.B. 1116 authorizes investor-owned water or sewer utilities to condemn an easement in property if the easement is reasonably necessary to comply with state or federal requirements.

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 G, Chapter 13, Water Code, by adding Section 13.258, as follows:

Sec. 13.258. EMINENT DOMAIN. (a) Authorizes a water and sewer utility that is operating pursuant to a valid certificate of convenience and necessity to acquire by condemnation any easements or lesser property interest reasonably necessary to comply with federal and state regulations.

(b) Requires the right of eminent domain to be exercised in the manner provided by Chapter 21 (Eminent Domain), Property Code.

(c) Prohibits the power of eminent domain from being used for the condemnation of land for the purpose of acquiring rights to underground water or of water or water rights.

SECTION 2. Effective date: upon passage or September 1, 2005.