

AN ACT

relating to a limitation on the use of eminent domain by certain conservation and reclamation districts.

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

SECTION 1. Subchapter D, Chapter 54, Water Code, is amended by adding Section 54.209 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;

(3) a site for a trail on real property designated as a homestead as defined by Section 41.002, Property Code; or

(4) an exclusive easement through a county regional park.

SECTION 2. Section 4.08, Chapter 1029, Acts of the 76th Legislature, Regular Session, 1999, is amended by adding Subsection (f) to read as follows:

(f) Section 54.209, Water Code, does not apply to the district.

SECTION 3. The change in law made by this Act does not

1 affect an eminent domain action initiated before the effective date  
2 of this Act. Such an action is governed by the law in effect when  
3 the action was initiated, and the former law is continued in effect  
4 for that purpose.

5 SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2005.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 1208 was passed by the House on May 4, 2005, by the following vote: Yeas 142, Nays 1, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1208 on May 26, 2005, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Hamey  
Chief Clerk of the House

I certify that H.B. No. 1208 was passed by the Senate, with amendments, on May 23, 2005, by the following vote: Yeas 31, Nays 0.

Patsy Spaw  
Secretary of the Senate

APPROVED: 9 JUNE '05

Date

RICK PERRY  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
3:45pm O'CLOCK  
JUN 09 2005  
Roger Williams  
Secretary of State