

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7275

BILL NUMBER: HB 1301

NOTE PREPARED: Jan 3, 2011

BILL AMENDED:

SUBJECT: Eminent Domain for Sewer Services.

FIRST AUTHOR: Rep. DeLaney

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: This bill provides that the statute governing eminent domain procedures for public utilities and other corporations: (1) applies to sewer utilities; and (2) includes the authority to condemn less than a fee simple estate in land or real estate, including the authority to condemn or appropriate a new or an existing easement for a right-of-way.

It provides that the authority of a municipally owned sewer utility to condemn or appropriate real property includes: (1) the authority to condemn or appropriate any real property that is needed to allow a mandatory connection to the municipality's sewer system by a property using a septic system or similar structure, regardless of whether the real property to be condemned or appropriated is the property that will be connected to the sewer system; and (2) the authority to condemn or appropriate less than a fee simple estate in real property, including the authority to condemn or appropriate a new or an existing easement for a right-of-way. It also makes conforming amendments.

Effective Date: Upon passage.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: Any impact will depend upon administrative decisions in the use of eminent domain by a municipal sewer utility.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Municipally owned sewer utilities.

Information Sources:

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