

By: Cook of Colorado

H.B. No. 1532

A BILL TO BE ENTITLED

1 AN ACT

2 relating to authority of political subdivisions to exercise the
3 power of eminent domain to acquire rights to water.

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

5 SECTION 1. Subchapter B, Chapter 21, Property Code, is
6 amended by adding Section 21.0121 to read as follows:

7 Sec. 21.0121. CONDEMNATION TO ACQUIRE WATER RIGHTS. (a) In
8 addition to the contents prescribed by Section 21.012(b), a
9 condemnation petition filed by a political subdivision of this
10 state for the purpose of acquiring rights to groundwater or surface
11 water must state that the political subdivision has:

12 (1) prepared a drought contingency plan;

13 (2) developed and implemented a water conservation
14 plan that will result in the highest practicable levels of water
15 conservation and efficiency achievable in the political
16 subdivision's jurisdiction;

17 (3) pursued the availability of feasible and
18 practicable alternative water supplies; and

19 (4) made a bona fide good faith effort to acquire the
20 rights to the water the political subdivision proposes to condemn
21 by voluntary purchase or lease.

22 (b) A court shall deny the right to condemn unless the
23 political subdivision submits proof to the court that the political
24 subdivision has met the requirements of Subsection (a).

1 SECTION 2. This Act takes effect September 1, 2003.