

By: Duncan

S.B. No. 1227

A BILL TO BE ENTITLED

AN ACT

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

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

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

Sec. 21.0121. CONDEMNATION TO ACQUIRE WATER RIGHTS.

(a) In addition to the contents prescribed by Section 21.012(b), a condemnation petition filed by a political subdivision of this state for the purpose of acquiring rights to groundwater or surface water must state that the facts to be proven are that the political subdivision has:

(1) prepared a drought contingency plan;

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

(3) made a bona fide good faith effort to obtain practicable alternative water supplies to the water rights the political subdivision proposes to condemn;

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

(5) made a showing that the political subdivision

1 needs the water rights to provide for the domestic needs of the
2 political subdivision within the next 10-year period.

3 (b) A court shall deny the right to condemn unless the
4 political subdivision proves to the court that the political
5 subdivision has met the requirements of Subsection (a).

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