

1-1 By: Duncan S.B. No. 1227
1-2 (In the Senate - Filed March 12, 2003; March 19, 2003, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 22, 2003, reported favorably by the following vote: Yeas 10,
1-5 Nays 0; April 22, 2003, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to authority of political subdivisions to exercise the
1-9 power of eminent domain to acquire rights to water.

1-10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-11 SECTION 1. Subchapter B, Chapter 21, Property Code, is
1-12 amended by adding Section 21.0121 to read as follows:

1-13 Sec. 21.0121. CONDEMNATION TO ACQUIRE WATER RIGHTS.

1-14 (a) In addition to the contents prescribed by Section 21.012(b), a
1-15 condemnation petition filed by a political subdivision of this
1-16 state for the purpose of acquiring rights to groundwater or surface
1-17 water must state that the facts to be proven are that the political
1-18 subdivision has:

1-19 (1) prepared a drought contingency plan;

1-20 (2) developed and implemented a water conservation
1-21 plan that will result in the highest practicable levels of water
1-22 conservation and efficiency achievable in the political
1-23 subdivision's jurisdiction;

1-24 (3) made a bona fide good faith effort to obtain
1-25 practicable alternative water supplies to the water rights the
1-26 political subdivision proposes to condemn;

1-27 (4) made a bona fide good faith effort to acquire the
1-28 rights to the water the political subdivision proposes to condemn
1-29 by voluntary purchase or lease; and

1-30 (5) made a showing that the political subdivision
1-31 needs the water rights to provide for the domestic needs of the
1-32 political subdivision within the next 10-year period.

1-33 (b) A court shall deny the right to condemn unless the
1-34 political subdivision proves to the court that the political
1-35 subdivision has met the requirements of Subsection (a).

1-36 SECTION 2. This Act takes effect September 1, 2003.

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