

BILL ANALYSIS

Senate Research Center

S.B. 1227
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Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, when a political subdivision exercises eminent domain, the political subdivision is required to prove the condemnation is necessary because a voluntary purchase of the property was not possible and the condemnation is necessary to fulfill a public purpose. As proposed, S.B. 1227 requires a political subdivision condemning the rights to groundwater or surface water to prove that it has taken certain actions and that condemnation was the only reasonable method to secure water for the political subdivision.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 21B, Property Code, by adding Section 21.0121, as follows:

Sec. 21.0121. CONDEMNATION TO ACQUIRE WATER RIGHTS. (a) Requires a condemnation petition filed by a political subdivision of this state for the purpose of acquiring rights to groundwater or surface water, in addition to the contents prescribed by Section 21.012(b), to state that the facts to be proven are that the political subdivision has taken certain actions.

(b) Requires a court to deny the right to condemn unless the political subdivision proves to the court that the political subdivision has met the requirements of Subsection (a).

SECTION 2. Effective date: September 1, 2003.