

By: Burns

H.B. No. 4112

A BILL TO BE ENTITLED

AN ACT

relating to the rights of an owner of groundwater.

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

SECTION 1. Section 36.002, Water Code, is amended by amending Subsection (b) and adding Subsection (b-1) to read as follows:

(b) The groundwater ownership and rights described by this section ~~+~~

~~(1)~~ entitle the landowner, including a landowner's lessees, heirs, or assigns, to:

(1) drill for and produce the groundwater below the surface of real property, subject to Subsection (d), without causing waste or malicious drainage of other property or negligently causing subsidence; and

(2) any other right recognized under common law, including the right to produce or save a fair share of the groundwater described in Subsection(a).

(b-1) The groundwater ownership and rights described by this section do ~~[, but does]~~ not:

(1) entitle a landowner, including a landowner's lessees, heirs, or assigns, to the right to capture a specific amount of groundwater below the surface of that landowner's land; or ~~[and]~~

(2) ~~[do not]~~ affect the existence of common law

1 defenses or other defenses to liability under the rule of capture.

2       SECTION 2. This Act takes effect immediately if it receives  
3 a vote of two-thirds of all the members elected to each house, as  
4 provided by Section 39, Article III, Texas Constitution. If this  
5 Act does not receive the vote necessary for immediate effect, this  
6 Act takes effect September 1, 2015.