

1-1 By: Burns, et al. (Senate Sponsor - Perry) H.B. No. 4112  
 1-2 (In the Senate - Received from the House May 11, 2015;  
 1-3 May 12, 2015, read first time and referred to Committee on  
 1-4 Agriculture, Water, and Rural Affairs; May 19, 2015, reported  
 1-5 favorably by the following vote: Yeas 6, Nays 0; May 19, 2015,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED  
 1-17 AN ACT

1-18 relating to the rights of an owner of groundwater.  
 1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:  
 1-20 SECTION 1. Section 36.002, Water Code, is amended by  
 1-21 amending Subsection (b) and adding Subsection (b-1) to read as  
 1-22 follows:  
 1-23 (b) The groundwater ownership and rights described by this  
 1-24 section~~[-~~  
 1-25 ~~[(1)]~~ entitle the landowner, including a landowner's  
 1-26 lessees, heirs, or assigns, to:  
 1-27 (1) drill for and produce the groundwater below the  
 1-28 surface of real property, subject to Subsection (d), without  
 1-29 causing waste or malicious drainage of other property or  
 1-30 negligently causing subsidence; and  
 1-31 (2) have any other right recognized under common law.  
 1-32 (b-1) The groundwater ownership and rights described by  
 1-33 this section do [ , but does ] not:  
 1-34 (1) entitle a landowner, including a landowner's  
 1-35 lessees, heirs, or assigns, to the right to capture a specific  
 1-36 amount of groundwater below the surface of that landowner's land;  
 1-37 or ~~[and]~~  
 1-38 (2) ~~[do not]~~ affect the existence of common law  
 1-39 defenses or other defenses to liability under the rule of capture.  
 1-40 SECTION 2. This Act takes effect immediately if it receives  
 1-41 a vote of two-thirds of all the members elected to each house, as  
 1-42 provided by Section 39, Article III, Texas Constitution. If this  
 1-43 Act does not receive the vote necessary for immediate effect, this  
 1-44 Act takes effect September 1, 2015.

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