

BILL ANALYSIS

Senate Research Center
78R6977 MI-F

S.B. 1041
By: Averitt
Natural Resources
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As Filed

DIGEST AND PURPOSE

Currently, the Texas Water Code does not specify certain groundwater rights of private landowners and their lessees and assigns. As proposed, S.B. 1041 clarifies that groundwater becomes a vested property right once it has been captured.

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. Provides that the legislature makes certain findings related to the management of groundwater and the groundwater rights of private landowners and their lessees and assigns.

SECTION 2. Amends Section 36.002, Water Code, to provide that a surface owner's or a surface owner's lessee's or assign's property interest in groundwater vests as a property right at the moment of capture. Provides that this subsection does not affect any liability that may arise under common law because of the production or use of groundwater or the impact of that production or use on another person and does not restrict the regulatory authority of a district under this chapter or special law. Creates new Subsections (a) and (b).

SECTION 3. Effective date: upon passage or September 1, 2003.