

## **BILL ANALYSIS**

Senate Research Center

H.B. 3025  
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Agriculture, Water & Rural Affairs  
5/17/2017  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Interested parties contend that the number of open, uncovered, abandoned, or deteriorated water wells in Texas is increasing and causing serious economic and environmental harm. H.B. 3025 addresses this issue by revising provisions relating to the regulation of such wells.

H.B. 3025 amends current law relating to open, uncovered, abandoned, or deteriorated wells.

### **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 Section 1901.255, Occupations Code, by amending Subsection (c) and adding Subsection (c-1), as follows:

(c) Requires the landowner or other person, not later than the 180th day after the date a landowner or other person who possesses an abandoned, rather than abandoned or deteriorated, well learns of its condition, to have the well plugged or capped under standards and procedures adopted by the Texas Commission of Licensing and Regulation (TCLR).

(c-1) Requires the landowner or other person, not later than the 180th day after the date a landowner or other person who possesses a deteriorated well learns of its condition, to have the well repaired or plugged under standards and procedures adopted by TCLR.

SECTION 2. Amends the heading to Section 36.118, Water Code, to read as follows:

Sec. 36.118. OPEN OR UNCOVERED WELLS; ABANDONED OR DETERIORATED WELLS.

SECTION 3. Amends Section 36.118, Water Code, by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (g), as follows:

(a) Authorizes a groundwater conservation district (district) to require the owner or lessee of land on which an open or uncovered well or abandoned well is located to keep the well permanently closed or capped with a covering that is not easily removed, rather than except when the well is in actual use. Makes nonsubstantive changes.

(b) Defines "abandoned well" and "deteriorated well" and makes nonsubstantive changes.

(c) Requires a district to require the owner or lessee of land on which a deteriorated well is located to plug the well or repair the well sufficiently to prevent pollution of any water in this state, including groundwater. Requires the district to notify the owner or lessee of a requirement under this subsection. Authorizes any person, firm, or corporation employed by the district, if the owner or lessee fails or refuses to repair or plug the well, rather than close or cap the well in compliance with this chapter (Groundwater

Conservation Districts), in accordance with district rules, not later than the 10th day after the date the owner or lessee receives the notice from the district, to go on the land and repair or plug, rather than close or cap, the well safely and securely.

(d) Provides that reasonable expenses incurred by the district in repairing or plugging, rather than closing or capping, a well constitute a lien on the land on which the well is located.

(e) Provides that the lien arises and attaches upon recordation in the deed records of the county where the well is located an affidavit, executed by any person conversant with the facts, stating the following:

(1) through (3) makes no changes to these subdivisions;

(4) the failure or refusal of the owner or lessee, after notification, to repair or plug, rather than close, the well within 10 days after the notification;

(5) the repairing or plugging, rather than closing, of the well by the district, or by an authorized agent, representative, or employee of the district; and

(6) makes conforming changes.

(g) Authorizes an employee of the Bandera County River Authority and Groundwater District to cap an open, uncovered, or abandoned well, or repair or plug a deteriorated well inside the district, if the employee has received training for capping, repairing, or plugging a well located in a karst topographic area. Provides that an employee acting under this section is not required to have a license under Chapter 1901 (Water Well Drillers), Occupations Code, to perform the action authorized by this subsection.

SECTION 4. Effective date: upon passage or September 1, 2017.