

BILL ANALYSIS

S.B. 728
By: Seliger
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Section 36.118 (Open or Uncovered Wells), Water Code, authorizes a groundwater conservation district (district) to require the owner or lessee of land on which an open or uncovered well is located to keep the well permanently closed or capped and provides that reasonable expenses incurred by the district in closing or capping a well constitute a lien on the land on which the well is located. In some instances, such a statutory lien may not be practical due to unusual circumstances or the district may determine that there is no equity in the property to satisfy a lien.

In circumstances where a court orders the owner of a well to cap the well, this bill allows the district to recover its attorney's fees, court costs, and reasonable expenses incurred in closing or capping the well.

S.B. 728 amends current law relating to a groundwater conservation district's recovery of expenses in closing or capping a well.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 36.118, Water Code, by adding Subsection (e-1) and (e-2) to read as follows:

(e-1) Entitles a groundwater conservation district to recover, in addition to other remedies provided by law, the district's attorney's fees, court costs, and reasonable expenses incurred in closing or capping the well from the owner of the land on which the well is located.

(e-2) Requires that an entity that drills a well to develop subsurface resources not owned by the landowner be liable for expenses incurred in closing or capping the well, unless the landowner assumes responsibility for the well.

SECTION 2. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2011.