

BILL ANALYSIS

S.B. 1387
By: Carona
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Under Chapters 1901 (Water Well Drillers) and 1902 (Water Well Pump Installers), Occupations Code, the Texas Department of Licensing and Regulation (TDLR) is charged with licensing well drillers and pump installers and must ensure that well drillers and pump installers are qualified to conduct their work in accordance with established standards that protect the integrity of the state's water supply.

The work of well drillers and pump installers is complex and diverse, as they work with the following types of wells and pumps: water wells, injection wells, dewatering wells, monitoring wells, closed-loop geothermal wells, windmills, hand pumps, pump jacks, single-phase and three-phase pumps, and line-shaft turbine pumps. As the law currently stands, there is no recognition of the diversity of this work, allowing for only one well driller license and one pump installer license. Furthermore, because there are no apprentice or journeyman licensing programs for well drillers and pump installers, these occupations are struggling to cultivate experience amongst a new generation of professionals. Lastly, due to limited resources within TDLR, well drillers and pump installers are concerned that the state's enforcement abilities are inadequate.

S.B. 1387 amends current law relating to water well drillers and pump installers, and changes fees.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2, 4, 10, and 14 of this bill.

ANALYSIS

SECTION 1. Amends Section 1901.001, Occupations Code, by adding Subdivision (13-a) to define "third-party inspector" and amending Subdivision (16) to redefine "well."

SECTION 2. Amends Subchapter B, Chapter 1901, Occupations Code, by adding Section 1901.056, as follows:

Sec. 1901.056. REGIONAL WELL INSPECTION PROGRAM. (a) Requires the Texas Commission of Licensing and Regulation (TCLR) by rule to establish a regional well inspection program using third-party inspectors.

(b) Requires that rules adopted under Subsection (a) establish:

- (1) training requirements for a third-party inspector;
- (2) registration procedures for a third-party inspector; and
- (3) policies governing the acts of a third-party inspector in conducting an inspection or investigation.

SECTION 3. Amends Section 1901.152, Occupations Code, as follows:

Sec. 1901.152. New heading: LICENSE APPLICATION. Requires an applicant for a license to submit to the Texas Department of Licensing and Regulation (TDLR), rather than requires an application for a license to contain:

(1) an application that includes the applicant's name, the applicant's business address, the applicant's permanent mailing address, and any other relevant information required by TDLR; and

(2) an application fee.

Deletes existing text requiring an applicant to pay to TDLR an examination fee at the time the application is submitted. Deletes existing Subsections (a) and (b) designations and makes conforming and nonsubstantive changes.

SECTION 4. Amends Subchapter D, Chapter 1901, Occupations Code, by adding Section 1901.153, as follows:

Sec. 1901.153. APPRENTICE DRILLER PROGRAM. Requires TCLR by rule to establish an apprentice driller program.

SECTION 5. Amends Section 1901.201(a), Occupations Code, to require TDLR to offer examinations for a license under this chapter, rather than offer examinations at least once each year.

SECTION 6. Amends Section 1901.251(a), Occupations Code, as follows:

(a) Requires each driller who drills, deepens, or otherwise alters a well, rather than water well, in this state to make and keep a legible and accurate well log in accordance with rules adopted by TCLR and on forms prescribed by the executive director of TDLR (executive director). Requires that the well log be recorded at the time of drilling, deepening, or otherwise altering the well and must contain the depth, thickness, and character of the strata penetrated; the location of water-bearing strata; the depth, size, and character of casing installed; and any other information required by rules adopted by TCLR.

SECTION 7. Amends Subchapter I, Chapter 1901, Occupations Code, by adding Section 1901.405, as follows:

Sec. 1901.405. THIRD-PARTY INSPECTORS; ENFORCEMENT. Authorizes TDLR to contract with a third-party inspector to assist in the enforcement of this chapter or a rule adopted under this chapter, including rules governing the performance of inspections and the conduct of investigations.

SECTION 8. Amends Section 1902.001, Occupations Code, by adding Subdivision (8-a) to define "third-party inspector."

SECTION 9. Amends Section 1902.152, Occupations Code, as follows:

Sec. 1902.152. New heading: LICENSE APPLICATION. Requires an applicant for a license to submit to TDLR, rather than requires an application for a license to contain:

(1) an application that includes the applicant's name, the applicant's business address, the applicant's permanent mailing address, and any other information required by TDLR; and

(2) an application fee.

Deletes existing text requiring an applicant to pay to TDLR an examination fee at the time the application is submitted. Deletes existing Subsections (a) and (b) designations and makes conforming and nonsubstantive changes.

SECTION 10. Amends Subchapter D, Chapter 1902, Occupations Code, by adding Section 1902.153, as follows:

Sec. 1902.153. APPRENTICE PUMP INSTALLER PROGRAM. Requires TCLR by rule to establish an apprentice pump installer program.

SECTION 11. Amends Section 1902.201(a), Occupations Code, to require TDLR to offer examinations for a license under this chapter, rather than offer examinations at least once a month.

SECTION 12. Amends Subchapter I, Chapter 1902, Occupations Code, by adding Section 1902.405 as follows:

Sec. 1902.405 THIRD-PARTY INSPECTORS; ENFORCEMENT. Authorizes the department to contract with a third-party inspector to assist in the enforcement of this chapter or a rule adopted under this chapter, including rules governing the performance of inspections and the conduct of investigations.

SECTION 13. Repeals Sections 1901.201(b) (relating to requiring TDLR to offer examinations more frequently if more than 10 persons petition for an additional examination), and 1902.201(b) (relating to requiring TDLR to offer examinations more frequently if more than 10 persons petition for an additional examination), Occupations Code.

SECTION 14. Requires TCLR, not later than April 1, 2014, to adopt rules to implement the changes in law made by this Act to Chapters 1901 and 1902, Occupations Code.

SECTION 15. Provides for the effective date of this Act.

EFFECTIVE DATE

This Act takes effect September 1, 2013.