

By: Carona

S.B. No. 1387

A BILL TO BE ENTITLED

AN ACT

relating to water well drillers and pump installers; authorizing fees.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1901.001, Occupations Code, is amended by adding Subdivision (13-a) and amending Subdivision (16) to read as follows:

(13-a) "Third-party inspector" means a qualified employee of a state agency with jurisdiction over wells who assists the department with enforcement activities.

(16) "Well" means a water well, injection well, dewatering well, closed-loop geothermal well, or monitoring well.

SECTION 2. Subchapter B, Chapter 1901, Occupations Code, is amended by adding Section 1901.0531 to read as follows:

Sec. 1901.0531. DRILLER AND PUMP INSTALLER TRAINING AND ENFORCEMENT ACCOUNT. (a) The driller and pump installer training and enforcement account is an account in the general revenue fund. Administrative penalties collected under Subchapter F, Chapter 51, for a violation of this chapter or a rule adopted under this chapter shall be deposited to the credit of the account.

(b) Funds in the account may be appropriated only to the department for:

(1) promoting consumer awareness of this chapter and Chapter 1902 and rules adopted under this chapter and Chapter 1902;

1 and

2 (2) supporting educational seminars, training
3 activities, or other projects designed to benefit the department's
4 ability to administer this chapter and Chapter 1902.

5 (b) The department may solicit and accept gifts, grants, and
6 other donations from any source for deposit into the account.

7 (c) The account is exempt from the application of Section
8 403.095, Government Code.

9 SECTION 3. Subchapter B, Chapter 1901, Occupations Code, is
10 amended by adding Section 1901.056 to read as follows:

11 Sec. 1901.056. REGIONAL WELL INSPECTION PROGRAM. (a) The
12 commission by rule shall establish a regional well inspection
13 program using third-party inspectors.

14 (b) Rules adopted under Subsection (a) shall establish:

15 (1) training requirements for a third-party
16 inspector;

17 (2) registration procedures for a third-party
18 inspector; and

19 (3) policies governing the acts of a third-party
20 inspector in conducting an inspection or investigation.

21 SECTION 4. Section 1901.151, Occupations Code, is amended
22 to read as follows:

23 Sec. 1901.151. LICENSE REQUIRED. A person may not act or
24 offer to act as a driller unless the person holds the appropriate
25 [a] license issued by the executive director under this chapter and
26 rules adopted under this chapter.

27 SECTION 5. Section 1901.152, Occupations Code, is amended

to read as follows:

Sec. 1901.152. LICENSE APPLICATION~~[, EXAMINATION FEE]~~.

~~[(a)]~~ An applicant ~~[application]~~ for a license must submit to the department ~~[contain]~~:

(1) an application that includes:

(A) the applicant's name;

(B) ~~[(2)]~~ the applicant's business address;

(C) ~~[(3)]~~ the applicant's permanent mailing address; and

(D) ~~[(4)]~~ any other relevant information required by the department; and~~[-]~~

(2) ~~[(b) An applicant must pay to the department]~~ an application ~~[examination]~~ fee ~~[at the time the application is submitted]~~.

SECTION 6. Subchapter D, Chapter 1901, Occupations Code, is amended by adding Sections 1901.153, 1901.1531, 1901.1532, and 1901.1533 to read as follows:

Sec. 1901.153. MASTER DRILLER. An applicant for a master driller license must:

(1) pass an examination covering:

(A) water wells;

(B) injection wells;

(C) dewatering wells;

(D) monitoring wells; and

(E) closed-loop geothermal wells; and

(2) complete other requirements, including an experience requirement, as determined by commission rule.

Sec. 1901.1531. LICENSE WITH SPECIALTY ENDORSEMENT. (a)

An applicant for a license other than a master driller license must:

(1) apply for a license with one or more specialty endorsements described by Subsection (b);

(2) pass an examination for each endorsement for which the applicant has applied; and

(3) satisfy other requirements as determined by commission rule.

(b) The commission shall establish specialty endorsements for:

(1) water wells;

(2) injection wells;

(3) dewatering wells;

(4) monitoring wells; and

(5) closed-loop geothermal wells.

Sec. 1901.1532. JOURNEYMAN DRILLER. An applicant for a journeyman driller license must:

(1) pass an examination; and

(2) satisfy other requirements as determined by the commission.

Sec. 1901.1533. APPRENTICE DRILLER. The commission by rule shall set the fee for, establish the qualifications for, and provide for the issuance of an apprentice driller license.

SECTION 7. Section 1901.201(a), Occupations Code, is amended to read as follows:

(a) The department shall offer examinations for each license and endorsement at least once each year.

SECTION 8. Section 1901.251(a), Occupations Code, is amended to read as follows:

(a) Each driller who drills, deepens, or otherwise alters a ~~water~~ well in this state shall make and keep a legible and accurate well log in accordance with rules adopted by the commission and on forms prescribed by the executive director. The well log shall be recorded at the time of drilling, deepening, or otherwise altering the well and must contain:

(1) the depth, thickness, and character of the strata penetrated;

(2) the location of water-bearing strata;

(3) the depth, size, and character of casing installed; and

(4) any other information required by rules adopted by the commission.

SECTION 9. Section 1901.255(d), Occupations Code, is amended to read as follows:

(d) Not later than the 60th ~~30th~~ day after the date the well is plugged, a driller, licensed pump installer, or well owner who plugs an abandoned or deteriorated well shall submit a plugging report to:

(1) the board of directors of the groundwater conservation district in which the well is located, if the well is located in the boundaries of a groundwater conservation district; and

(2) the executive director.

SECTION 10. Subchapter I, Chapter 1901, Occupations Code,

is amended by adding Section 1901.405 to read as follows:

Sec. 1901.405. THIRD-PARTY INSPECTORS; ENFORCEMENT. The department may 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 11. Subchapter B, Chapter 1902, Occupations Code, is amended by adding Section 1902.0531 to read as follows:

Sec. 1902.0531. DEPOSIT OF ADMINISTRATIVE PENALTIES IN DRILLER AND PUMP INSTALLER TRAINING AND ENFORCEMENT ACCOUNT. Administrative penalties collected under Subchapter F, Chapter 51, for a violation of this chapter or a rule adopted under this chapter shall be deposited to the credit of the driller and pump installer training and enforcement account under Section 1901.0531.

SECTION 12. Section 1902.152, Occupations Code, is amended to read as follows:

Sec. 1902.152. LICENSE APPLICATION[~~;~~ ~~EXAMINATION FEE~~].

~~[(a)]~~ An applicant ~~[application]~~ for a license must submit to the department ~~[contain]~~:

(1) an application that includes:

(A) the applicant's name;

(B) ~~[(2)]~~ the applicant's business address;

(C) ~~[(3)]~~ the applicant's permanent mailing address; and

(D) ~~[(4)]~~ any other information required by the department; and ~~[;]~~

(2) ~~[(b)] An applicant must pay to the department~~ an

1 application ~~[examination]~~ fee ~~[at the time the application is~~
2 ~~submitted]~~.

3 SECTION 13. Subchapter D, Chapter 1902, Occupations Code,
4 is amended by adding Sections 1902.153, 1902.1531, and 1902.1532 to
5 read as follows:

6 Sec. 1902.153. MASTER PUMP INSTALLER. An applicant for a
7 master pump installer license must:

8 (1) pass an examination covering:

9 (A) windmills, hand pumps, and pump jacks; and

10 (B) single-phase and three-phase pumps and
11 line-shaft turbine pumps; and

12 (2) complete other requirements, including an
13 experience requirement, as determined by commission rule.

14 Sec. 1902.1531. LICENSE WITH SPECIALTY ENDORSEMENTS. (a)
15 An applicant for a license other than a master pump installer
16 license must:

17 (1) apply for a license with one or more specialty
18 endorsements described by Subsection (b);

19 (2) pass an examination for each endorsement for which
20 the applicant has applied; and

21 (3) satisfy other requirements as determined by
22 commission rule.

23 (b) The commission shall establish specialty endorsements
24 for:

25 (1) windmills, hand pumps, and pump jacks;

26 (2) single-phase pumps;

27 (3) three-phase pumps; and

1 (4) line-shaft turbine pumps.

2 Sec. 1902.1532. APPRENTICE PUMP INSTALLER. The commission
3 by rule shall set the fee for, establish the qualifications for, and
4 provide for the issuance of an apprentice pump installer license.

5 SECTION 14. Section 1902.201(a), Occupations Code, is
6 amended to read as follows:

7 (a) The department shall offer examinations for each
8 license and endorsement at least once each year [~~month~~].

9 SECTION 15. The following sections of the Occupations Code
10 are repealed:

11 (1) Section 1901.201(b); and

12 (2) Section 1902.201(b).

13 SECTION 16. (a) Not later than December 1, 2013, the Texas
14 Commission of Licensing and Regulation shall adopt rules to
15 implement the changes in law made by this Act to Chapters 1901 and
16 1902, Occupations Code.

17 (b) A person is not required to hold a license or license
18 specialty endorsement as a master driller, journeyman driller,
19 apprentice driller, master pump installer, or apprentice pump
20 installer issued under Chapter 1901 or 1902, Occupations Code,
21 before June 1, 2014.

22 SECTION 17. This Act takes effect September 1, 2013.