

By: Miller of Comal

H.B. No. 930

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Section 1901.001, Occupations Code, is amended
6 by amending Subdivisions (7), (7-b), and (16) and adding
7 Subdivision (7-c) to read as follows:

8 (7) "Driller" means a water well driller, injection
9 well driller, dewatering well driller, closed-loop geothermal well
10 driller, or monitoring well driller.

11 (7-b) "Field operator" means a qualified employee of
12 one of the following entities that has a memorandum of
13 understanding with the department:

14 (A) a state agency with jurisdiction over wells;

15 (B) a municipality; or

16 (C) another political subdivision that assists
17 the department with enforcement activities.

18 (7-c) "Groundwater conservation district" means a
19 district to which Chapter 36, Water Code, applies.

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

22 SECTION 2. Subchapter B, Chapter 1901, Occupations Code, is
23 amended by adding Section 1901.056 to read as follows:

24 Sec. 1901.056. FIELD OPERATIONS PROGRAM. (a) The

1 commission by rule shall establish a field operations program using
2 field operators.

3 (b) Rules adopted under Subsection (a) must establish:

4 (1) training requirements for a field operator;

5 (2) registration procedures for a field operator;

6 (3) policies governing the acts of a field operator in
7 conducting an inspection or investigation; and

8 (4) policies governing the conditions under which a
9 field operator may enter private property for the purpose of
10 conducting an inspection.

11 (c) A field operator may enter private property, as provided
12 by commission rule, for the purpose of conducting an inspection.

13 SECTION 3. Section 1901.152, Occupations Code, is amended
14 to read as follows:

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

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

18 (1) an application that includes:

19 (A) the applicant's name;

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

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

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

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

1 SECTION 4. Subchapter D, Chapter 1901, Occupations Code, is
2 amended by adding Section 1901.153 to read as follows:

3 Sec. 1901.153. APPRENTICE DRILLER PROGRAM. The commission
4 by rule shall establish an apprentice driller program.

5 SECTION 5. Section 1901.201, Occupations Code, is amended
6 to read as follows:

7 Sec. 1901.201. [~~FREQUENCY OF~~] EXAMINATION. [~~(a)~~] The
8 department shall offer examinations for a license under this
9 chapter [~~at least once each year~~].

10 [~~(b) The department shall offer examinations more~~
11 ~~frequently if more than 10 persons petition for an additional~~
12 ~~examination.~~]

13 SECTION 6. Sections 1901.251(a) and (b), Occupations Code,
14 are amended to read as follows:

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

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

23 (2) the location of water-bearing strata;

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

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

1 (b) Not later than the 60th day after the date of the
2 completion or cessation of drilling, deepening, or otherwise
3 altering the well, the driller shall deliver, ~~or~~ send by first
4 class ~~[certified]~~ mail, or provide electronically a copy of the
5 well log to:

6 (1) the department;

7 (2) the Texas Commission on Environmental Quality
8 ~~[Natural Resource Conservation Commission]~~; ~~and~~

9 (3) the owner of the well or the person for whom the
10 well was drilled; and

11 (4) any groundwater conservation district in which the
12 well is located.

13 SECTION 7. Subchapter F, Chapter 1901, Occupations Code, is
14 amended by adding Section 1901.258 to read as follows:

15 Sec. 1901.258. CONVERSION OF OIL OR GAS WELL TO WATER WELL.
16 A driller shall supervise the recompletion, perforation, or
17 conversion of an oil or gas well to a water well. An oil or gas well
18 converted to a water well used by a public water system must meet
19 the requirements of the Texas Commission on Environmental Quality.

20 SECTION 8. Subchapter I, Chapter 1901, Occupations Code, is
21 amended by adding Section 1901.405 to read as follows:

22 Sec. 1901.405. FIELD OPERATORS; ENFORCEMENT. (a) The
23 department may enter into a memorandum of understanding with an
24 entity described by Subsection (b) to assist in the enforcement of
25 this chapter or a rule adopted under this chapter, including rules
26 governing the performance of inspections and the conduct of
27 investigations.

1 (b) The department may enter into a memorandum of
2 understanding under Subsection (a) with:

- 3 (1) a state agency with jurisdiction over wells;
4 (2) a municipality; or
5 (3) another political subdivision that assists the
6 department with enforcement activities.

7 SECTION 9. Section 1902.001, Occupations Code, is amended
8 by adding Subdivision (4-b) to read as follows:

9 (4-b) "Field operator" means a qualified employee of
10 one of the following entities that has a memorandum of
11 understanding with the department:

- 12 (A) a state agency with jurisdiction over wells;
13 (B) a municipality; or
14 (C) another political subdivision that assists
15 the department with enforcement activities.

16 SECTION 10. Section 1902.152, Occupations Code, is amended
17 to read as follows:

18 Sec. 1902.152. LICENSE APPLICATION[~~;~~ ~~EXAMINATION FEE~~].
19 [~~(a)~~] An applicant [~~application~~] for a license must submit to the
20 department [~~contain~~]:

- 21 (1) an application that includes:
22 (A) the applicant's name;
23 (B) [~~(2)~~] the applicant's business address;
24 (C) [~~(3)~~] the applicant's permanent mailing
25 address; and
26 (D) [~~(4)~~] any other information required by the
27 department; and [~~+~~]

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

4 SECTION 11. Subchapter D, Chapter 1902, Occupations Code,
5 is amended by adding Section 1902.153 to read as follows:

6 Sec. 1902.153. APPRENTICE PUMP INSTALLER PROGRAM. The
7 commission by rule shall establish an apprentice pump installer
8 program.

9 SECTION 12. Section 1902.201, Occupations Code, is amended
10 to read as follows:

11 Sec. 1902.201. [~~FREQUENCY OF~~] EXAMINATION. [~~(a)~~] The
12 department shall offer examinations for a license under this
13 chapter [~~at least once each month~~].

14 [~~(b) The department shall offer examinations more~~
15 ~~frequently if more than 10 persons petition for an additional~~
16 ~~examination.~~]

17 SECTION 13. Subchapter I, Chapter 1902, Occupations Code,
18 is amended by adding Section 1902.405 to read as follows:

19 Sec. 1902.405. FIELD OPERATORS; ENFORCEMENT. (a) The
20 department may enter into a memorandum of understanding with an
21 entity described by Subsection (b) to assist in the enforcement of
22 this chapter or a rule adopted under this chapter, including rules
23 governing the performance of inspections and the conduct of
24 investigations.

25 (b) The department may enter into a memorandum of
26 understanding under Subsection (a) with:

27 (1) a state agency with jurisdiction over wells;

1 (2) a municipality; or

2 (3) another political subdivision that assists the
3 department with enforcement activities.

4 SECTION 14. Not later than December 1, 2015, the Texas
5 Commission of Licensing and Regulation shall adopt rules to
6 implement the changes in law made by this Act to Chapters 1901 and
7 1902, Occupations Code.

8 SECTION 15. The Texas Commission of Licensing and
9 Regulation may not require a person to hold a license or license
10 specialty endorsement as an apprentice driller or apprentice pump
11 installer under Sections 1901.153 and 1902.153, Occupations Code,
12 as added by this Act, before June 1, 2016.

13 SECTION 16. This Act takes effect September 1, 2015.