

By: Eltife

S.B. No. 1079

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the regulation of water well drillers and water well
3 pump installers; affecting fees.

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

5 SECTION 1. Section 1901.152, Occupations Code, is amended
6 to read as follows:

7 Sec. 1901.152. LICENSE APPLICATION[~~;~~ ~~EXAMINATION FEE~~].

8 [~~(a)~~] An application for a license must contain:

- 9 (1) the applicant's name;
10 (2) the applicant's business address;
11 (3) the applicant's permanent mailing address; and
12 (4) any other relevant information required by the
13 department.

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

16 SECTION 2. Section 1901.155, Occupations Code, is amended
17 to read as follows:

18 Sec. 1901.155. LICENSE EXPIRATION; RENEWAL. (a) A license
19 issued under this chapter expires on the first anniversary of the
20 date of issuance [~~annually~~].

21 (b) The commission shall by rule establish requirements for
22 renewing a license issued under this chapter, including the payment
23 of applicable fees [~~On or before the license expiration date, a~~
24 ~~license holder must pay an annual renewal fee to the department~~].

1 SECTION 3. Section 1901.251, Occupations Code, is amended
2 to read as follows:

3 Sec. 1901.251. WELL REPORT [~~LOG~~]. (a) Each driller who
4 drills, deepens, or otherwise alters a water well in this state
5 shall make and keep a legible and accurate well report [~~log~~] in
6 accordance with rules adopted by the commission and on forms
7 prescribed by the executive director. The well report [~~log~~] shall
8 be recorded at the time of drilling, deepening, or otherwise
9 altering the well and must contain:

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

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

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

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

17 (b) Not later than the 60th day after the date of the
18 completion or cessation of drilling, deepening, or otherwise
19 altering the well, the driller shall deliver or send by certified
20 mail a copy of the well report [~~log~~] to:

21 (1) the department;

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

24 (3) the owner of the well or the person for whom the
25 well was drilled.

26 (c) If the department receives, by certified mail, a written
27 request from the owner of the well or from the person for whom the

1 well was drilled that the well report [~~log~~] be made confidential,
2 the department shall protect the contents of the well report [~~log~~]
3 as confidential and not a matter of public record.

4 SECTION 4. Section 1901.301, Occupations Code, is amended
5 to read as follows:

6 Sec. 1901.301. GROUNDS FOR DISCIPLINARY ACTION. The
7 commission may discipline a person under Section 51.353 for a
8 violation of this chapter or a rule adopted under this chapter,
9 including:

10 (1) an intentional misstatement or misrepresentation
11 of a fact on an application or well report [~~log~~] or to a person for
12 whom a well is being drilled, deepened, or otherwise altered;

13 (2) the failure to keep, deliver, or send a well report
14 [~~log~~] as required by Section 1901.251;

15 (3) the failure to advise a person for whom a well is
16 being drilled that:

17 (A) injurious water has been encountered;

18 (B) the water is a pollution hazard; and

19 (C) the well must be immediately plugged in an
20 acceptable manner; or

21 (4) the failure to complete a well in accordance with
22 standards and procedures adopted by the commission.

23 SECTION 5. Section 1902.152, Occupations Code, is amended
24 to read as follows:

25 Sec. 1902.152. LICENSE APPLICATION[~~, EXAMINATION FEE~~].

26 [~~(a)~~] An application for a license must contain:

27 (1) the applicant's name;

- (2) the applicant's business address;
- (3) the applicant's permanent mailing address; and
- (4) any other information required by the department.

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

SECTION 6. Section 1902.155, Occupations Code, is amended to read as follows:

Sec. 1902.155. LICENSE EXPIRATION; RENEWAL. (a) A license issued under this chapter expires on the first anniversary of the date of issuance ~~[annually]~~.

(b) The commission shall by rule establish requirements for renewing a license issued under this chapter, including the payment of applicable fees ~~[On or before the license expiration date, a license holder must pay an annual renewal fee to the department]~~.

SECTION 7. The following provisions of the Occupations Code are repealed:

- (1) Section 1901.154;
- (2) Section 1901.201;
- (3) Section 1901.203;
- (4) Section 1901.204;
- (5) Section 1901.206;
- (6) Section 1902.154;
- (7) Section 1902.201; and
- (8) Section 1902.203.

SECTION 8. Sections 1901.152 and 1902.152, Occupations Code, as amended by this Act, apply only to an application for a license under Chapter 1901 or 1902, Occupations Code, as

1 applicable, that is submitted to the Texas Department of Licensing
2 and Regulation on or after the effective date of this Act. An
3 application for a license submitted before the effective date of
4 this Act is governed by the law in effect on the date the
5 application was submitted, and the former law is continued in
6 effect for that purpose.

7 SECTION 9. This Act takes effect September 1, 2015.