

BILL ANALYSIS

Senate Research Center
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S.B. 2068
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In Bandera County, there are a number of abandoned and deteriorating water wells that need to be capped or plugged. Open water wells present a hazard to the aquifer. Current law allows a groundwater conservation district to notify a landowner of the existence of a well on their property that must be capped or plugged, and implies (but does not require) that only a licensed well driller may plug a water well.

The Bandera County River Authority and Groundwater District (district) has had difficulty hiring licensed water well drillers to plug wells because the projects can be challenging and time-consuming for the driller. The driller also bears the possibility of future liability if the well is not properly plugged. To help ensure the plugging is done correctly, a district employee must supervise the process.

S.B. 2068 addresses this issue by allowing the district to use its own grout machine and properly trained employees to plug deteriorating or abandoned water wells located in its jurisdiction.

As proposed, S.B. 2068 amends current law relating to the plugging or capping of abandoned, deteriorated, open, or uncovered water wells in the Bandera County River Authority and Groundwater District.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 654, Acts of the 71st Legislature, Regular Session, 1989, by adding Section 6A, as follows:

Sec. 6A. ABANDONED, DETERIORATED, OPEN, OR UNCOVERED WATER WELLS. (a) Defines "abandoned well," "deteriorated well," and "open or uncovered well."

(b) Authorizes the Bandera County River Authority and Groundwater District (district) to enter into a contract with a licensed water well driller to, or authorizes a district employee (employee) to, cap an open, uncovered, or abandoned well or to plug and permanently close a deteriorated well.

(c) Authorizes an employee to plug a well under Subsection (b) only if the employee has received training in the proper method of plugging a well located in a karst topographic area.

(d) Authorizes the 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 as provided by Section 36.118 (Open or Uncovered Wells), Water Code.

(e) Authorizes the district to use any money available to the district, including money from grants, fees, or tax revenues, to pay reasonable expenses incurred by the district in plugging or capping wells on land in the district under this section. Provides that the reasonable expenses constitute a lien on the land on which the well is located in accordance with Section 36.118(e) (relating to providing that the lien arises and attaches upon recordation in the deed records of the county where the well is located an affidavit, executed by certain persons, stating certain information), Water Code.

(f) Authorizes the district to enforce this section against any person by injunction, mandatory injunction, or other appropriate remedy in a court of competent jurisdiction as provided by Section 36.102 (Enforcement of Rules), Water Code.

SECTION 2. Effective date: upon passage or September 1, 2017.