

By: King of Uvalde, Murr

H.B. No. 3025

A BILL TO BE ENTITLED

AN ACT

relating to open, uncovered, abandoned, or deteriorated wells.

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

SECTION 1. Section 1901.255, Occupations Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Not later than the 180th day after the date a landowner or other person who possesses an abandoned [~~or deteriorated~~] well learns of its condition, the landowner or other person shall have the well plugged or capped under standards and procedures adopted by the commission.

(c-1) Not later than the 180th day after the date a landowner or other person who possesses a deteriorated well learns of its condition, the landowner or other person shall have the well repaired or plugged under standards and procedures adopted by the commission.

SECTION 2. The heading to Section 36.118, Water Code, is amended to read as follows:

Sec. 36.118. OPEN OR UNCOVERED WELLS; ABANDONED OR DETERIORATED WELLS.

SECTION 3. Section 36.118, Water Code, is amended by amending Subsections (a), (b), (c), (d), and (e) and adding Subsection (g) to read as follows:

(a) A district may require the owner or lessee of land on

1 which an open or uncovered well or abandoned well is located to keep
2 the well permanently closed or capped with a covering that is:

3 (1) capable of sustaining weight of at least 400
4 pounds; and

5 (2) not easily removed~~[, except when the well is in~~
6 ~~actual use].~~

7 (b) In ~~[As used in]~~ this section:

8 (1) "Abandoned well" has the meaning assigned by
9 Section 1901.255, Occupations Code.

10 (2) "Deteriorated well" has the meaning assigned by
11 Section 1901.255, Occupations Code.

12 (3) "Open ~~[, "open]~~ or uncovered well" means an
13 artificial excavation dug or drilled for the purpose of exploring
14 for or producing water from the groundwater reservoir and is not
15 capped or covered as required by this chapter.

16 (c) A district shall require the owner or lessee of land on
17 which a deteriorated well is located to plug the well or repair the
18 well sufficiently to prevent pollution of any water in this state,
19 including groundwater. The district shall notify the owner or
20 lessee of a requirement under this subsection. If the owner or
21 lessee fails or refuses to repair or plug ~~[close or cap]~~ the well
22 ~~[in compliance with this chapter]~~ in accordance with district
23 rules, not later than the 10th day after the date the owner or
24 lessee receives the notice from the district, any person, firm, or
25 corporation employed by the district may go on the land and repair
26 or plug ~~[close or cap]~~ the well safely and securely.

27 (d) Reasonable expenses incurred by the district in

1 repairing or plugging [~~closing or capping~~] a well constitute a lien
2 on the land on which the well is located.

3 (e) The lien arises and attaches upon recordation in the
4 deed records of the county where the well is located an affidavit,
5 executed by any person conversant with the facts, stating the
6 following:

7 (1) the existence of the well;

8 (2) the legal description of the property on which the
9 well is located;

10 (3) the approximate location of the well on the
11 property;

12 (4) the failure or refusal of the owner or lessee,
13 after notification, to repair or plug [~~close~~] the well within 10
14 days after the notification;

15 (5) the repairing or plugging [~~closing~~] of the well by
16 the district, or by an authorized agent, representative, or
17 employee of the district; and

18 (6) the expense incurred by the district in repairing
19 or plugging [~~closing~~] the well.

20 (g) An employee of the Bandera County River Authority and
21 Groundwater District may cap an open, uncovered, or abandoned well,
22 or repair or plug a deteriorated well inside the district, if the
23 employee has received training for capping, repairing, or plugging
24 a well located in a karst topographic area. An employee acting
25 under this section is not required to have a license under Chapter
26 1901, Occupations Code, to perform the action authorized by this
27 subsection.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2017.