

1-1 By: King of Uvalde, Murr H.B. No. 3025
 1-2 (Senate Sponsor - Rodríguez)
 1-3 (In the Senate - Received from the House May 3, 2017;
 1-4 May 5, 2017, read first time and referred to Committee on
 1-5 Agriculture, Water & Rural Affairs; May 18, 2017, reported
 1-6 favorably by the following vote: Yeas 5, Nays 0; May 18, 2017, sent
 1-7 to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15			X	
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to open, uncovered, abandoned, or deteriorated wells.
 1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 1-21 SECTION 1. Section 1901.255, Occupations Code, is amended
 1-22 by amending Subsection (c) and adding Subsection (c-1) to read as
 1-23 follows:
 1-24 (c) Not later than the 180th day after the date a landowner
 1-25 or other person who possesses an abandoned [~~or deteriorated~~] well
 1-26 learns of its condition, the landowner or other person shall have
 1-27 the well plugged or capped under standards and procedures adopted
 1-28 by the commission.
 1-29 (c-1) Not later than the 180th day after the date a
 1-30 landowner or other person who possesses a deteriorated well learns
 1-31 of its condition, the landowner or other person shall have the well
 1-32 repaired or plugged under standards and procedures adopted by the
 1-33 commission.
 1-34 SECTION 2. The heading to Section 36.118, Water Code, is
 1-35 amended to read as follows:
 1-36 Sec. 36.118. OPEN OR UNCOVERED WELLS; ABANDONED OR
 1-37 DETERIORATED WELLS.
 1-38 SECTION 3. Section 36.118, Water Code, is amended by
 1-39 amending Subsections (a), (b), (c), (d), and (e) and adding
 1-40 Subsection (g) to read as follows:
 1-41 (a) A district may require the owner or lessee of land on
 1-42 which an open or uncovered well or abandoned well is located to keep
 1-43 the well permanently closed or capped with a covering that is:
 1-44 (1) capable of sustaining weight of at least 400
 1-45 pounds; and
 1-46 (2) not easily removed [~~, except when the well is in~~
 1-47 ~~actual use~~].
 1-48 (b) In [As used in] this section:
 1-49 (1) "Abandoned well" has the meaning assigned by
 1-50 Section 1901.255, Occupations Code.
 1-51 (2) "Deteriorated well" has the meaning assigned by
 1-52 Section 1901.255, Occupations Code.
 1-53 (3) "Open [~~, "open~~] or uncovered well" means an
 1-54 artificial excavation dug or drilled for the purpose of exploring
 1-55 for or producing water from the groundwater reservoir and is not
 1-56 capped or covered as required by this chapter.
 1-57 (c) A district shall require the owner or lessee of land on
 1-58 which a deteriorated well is located to plug the well or repair the
 1-59 well sufficiently to prevent pollution of any water in this state,
 1-60 including groundwater. The district shall notify the owner or
 1-61 lessee of a requirement under this subsection. If the owner or

2-1 lessee fails or refuses to repair or plug [~~close or cap~~] the well
2-2 [~~in compliance with this chapter~~] in accordance with district
2-3 rules, not later than the 10th day after the date the owner or
2-4 lessee receives the notice from the district, any person, firm, or
2-5 corporation employed by the district may go on the land and repair
2-6 or plug [~~close or cap~~] the well safely and securely.

2-7 (d) Reasonable expenses incurred by the district in
2-8 repairing or plugging [~~closing or capping~~] a well constitute a lien
2-9 on the land on which the well is located.

2-10 (e) The lien arises and attaches upon recordation in the
2-11 deed records of the county where the well is located an affidavit,
2-12 executed by any person conversant with the facts, stating the
2-13 following:

2-14 (1) the existence of the well;

2-15 (2) the legal description of the property on which the
2-16 well is located;

2-17 (3) the approximate location of the well on the
2-18 property;

2-19 (4) the failure or refusal of the owner or lessee,
2-20 after notification, to repair or plug [~~close~~] the well within 10
2-21 days after the notification;

2-22 (5) the repairing or plugging [~~closing~~] of the well by
2-23 the district, or by an authorized agent, representative, or
2-24 employee of the district; and

2-25 (6) the expense incurred by the district in repairing
2-26 or plugging [~~closing~~] the well.

2-27 (g) An employee of the Bandera County River Authority and
2-28 Groundwater District may cap an open, uncovered, or abandoned well,
2-29 or repair or plug a deteriorated well inside the district, if the
2-30 employee has received training for capping, repairing, or plugging
2-31 a well located in a karst topographic area. An employee acting
2-32 under this section is not required to have a license under Chapter
2-33 1901, Occupations Code, to perform the action authorized by this
2-34 subsection.

2-35 SECTION 4. This Act takes effect immediately if it receives
2-36 a vote of two-thirds of all the members elected to each house, as
2-37 provided by Section 39, Article III, Texas Constitution. If this
2-38 Act does not receive the vote necessary for immediate effect, this
2-39 Act takes effect September 1, 2017.

2-40 * * * * *