

By: Murr

H.B. No. 3839

A BILL TO BE ENTITLED

AN ACT

relating to the plugging or capping of abandoned, deteriorated, open, or uncovered water wells in the Bandera County River Authority and Groundwater District.

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

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

Sec. 6A. ABANDONED, DETERIORATED, OPEN, OR UNCOVERED WATER WELLS. (a) In this section:

(1) "Abandoned well" and "deteriorated well" have the meanings assigned by Section 1901.255, Occupations Code.

(2) "Open or uncovered well" has the meaning assigned by Section 36.118, Water Code.

(b) The district may enter into a contract with a licensed water well driller to or a district employee may:

(1) cap an open, uncovered, or abandoned well; or

(2) plug and permanently close a deteriorated well.

(c) A district employee may 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) The district may 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, Water

1 Code.

2       (e) The district may use any money available to the  
3 district, including money from grants, fees, or tax revenues, to  
4 pay reasonable expenses incurred by the district in plugging or  
5 capping wells on land in the district under this section of this  
6 Act. The reasonable expenses constitute a lien on the land on which  
7 the well is located in accordance with Section 36.118(e), Water  
8 Code.

9       (f) The district may enforce this section against any person  
10 by injunction, mandatory injunction, or other appropriate remedy in  
11 a court of competent jurisdiction as provided by Section 36.102,  
12 Water Code.

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