

By: Buckingham

S.B. No. 2068

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the plugging or capping of abandoned, deteriorated,
3 open, or uncovered water wells in the Bandera County River
4 Authority and Groundwater District.

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

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

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

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

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

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

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

18 (2) plug and permanently close a deteriorated well.

19 (c) A district employee may plug a well under Subsection (b)
20 only if the employee has received training in the proper method of
21 plugging a well located in a karst topographic area.

22 (d) The district may require the owner or lessee of land on
23 which an open or uncovered well is located to keep the well
24 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.