

## **BILL ANALYSIS**

Senate Research Center  
88R13310 SHH-F

H.B. 3744  
By: Goldman (Perry)  
Water, Agriculture & Rural Affairs  
5/18/2023  
Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Statutory changes are needed to update outdated language in provisions relating to the regulation of water well drillers and water well pump installers to reflect the current regulation and licensing of these drillers and pump installers by the Texas Department of Licensing and Regulation (TDLR). Licensing examinations are prepared by committees of experts in conjunction with TDLR staff and administered by a third party, allowing exams to be easily taken anywhere in Texas. H.B. 3744 seeks to reflect current regulation and licensing practices by revising provisions relating to the regulation of water well drillers and water well pump installers.

H.B. 3744 amends current law relating to the regulation of water well drillers and water well pump installers.

### **RULEMAKING AUTHORITY**

Rulemaking authority previously granted to the Texas Commission on Licensing and Regulation is modified in SECTION 2 (Section 1901.155, Occupations Code) and SECTION 6 (Section 1902.155, Occupations Code) of this bill.

Rulemaking authority is expressly granted to the Texas Commission on Licensing and Regulation in 10 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 1901.051(a), Occupations Code, as follows:

(a) Requires the Texas Department of Licensing and Regulation (TDLR) to provide for the examination of license applicants. Deletes existing text requiring TDLR, with the advice of the Texas Water Well Advisory Council (council), to prepare licensing examinations.

SECTION 2. Amends Section 1901.155, Occupations Code, as follows:

Sec. 1901.155. New heading: LICENSE EXPIRATION. Provides that a license issued under Chapter 1901 (Water Well Drillers) is valid for one or two years as determined by Texas Commission on Licensing and Regulation (TCLR) rule. Deletes existing text providing that a license issued under this chapter expires annually. Deletes existing text requiring a license holder, on or before the license expiration date, to pay an annual renewal fee to TDLR.

SECTION 3. Amends Section 1901.201, Occupations Code, as follows:

Sec. 1901.201. EXAMINATION. Authorizes TDLR to prepare, recognize, administer, or arrange for the administration of an examination required under this chapter. Deletes existing text requiring TDLR to offer examinations for a license under this chapter.

SECTION 4. Amends Section 1901.202(a), Occupations Code, as follows:

(a) Requires TDLR to ensure that examinations are designed, rather than to design written examinations, to disqualify a person who lacks the necessary knowledge of drilling, of completion and plugging methods and techniques, and of groundwater formations to the extent that drilling by the person would create a serious risk of polluting fresh water.

SECTION 5. Amends Section 1902.051(a), Occupations Code, to require TDLR to provide for the examination of license applicants. Deletes existing text requiring TDLR, with the advice of the council, to prepare licensing examinations.

SECTION 6. Amends Section 1902.155, Occupations Code, as follows:

Sec. 1902.155. New heading: LICENSE EXPIRATION. Provides that a license issued under Chapter 1902 (Water Well Pump Installers) is valid for one or two years as determined by TDLR rule. Deletes existing text providing that a license issued under this chapter expires annually. Deletes existing text requiring a license holder, on or before the license expiration date, to pay an annual renewal fee to TDLR.

SECTION 7. Amends Section 1902.201, Occupations Code, as follows:

Sec. 1902.201. EXAMINATION. Authorizes TDLR to prepare, recognize, administer, or arrange for the administration of an examination required under this chapter. Deletes existing text requiring TDLR to offer examinations for a license under this chapter.

SECTION 8. Amends Section 1902.202, Occupations Code, as follows:

Sec. 1902.202. CONTENTS OF EXAMINATION. Requires TDLR to ensure that examinations are designed, rather than to design written examinations, to disqualify a person who lacks the knowledge of pump installation to the extent that pump installation by the person would create a serious risk of polluting fresh water.

SECTION 9. Repealers: Sections 1901.054 (Register of License Holders) and 1901.203 (Oral Examination), Occupations Code.

Repealers: Sections 1901.204 (Grading of Examination) and 1902.054 (Register of License Holders), Occupations Code.

Repealer: Section 1902.203 (Grading of Examination), Occupations Code.

SECTION 10. Requires TDLR, not later than January 1, 2024, to adopt rules to implement the changes in law made by this Act to Chapters 1901 and 1902, Occupations Code.

SECTION 11. Provides that Sections 1901.155 and 1902.155, Occupations Code, as amended by this Act, apply only to a license issued under Chapter 1901 or 1902, Occupations Code, that expires on or after January 1, 2024. Provides that a license issued under Chapter 1901 or 1902, Occupations Code, that expires before January 1, 2024, is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

SECTION 12. Effective date: September 1, 2023.