By:  Blanco S.B. No. 2213

A BILL TO BE ENTITLED

AN ACT

relating to establishing and funding a grant program to plug leaking water wells in certain counties.

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

SECTION 1.  Chapter 28, Water Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. LEAKING WATER WELLS PROGRAM

Sec. 28.101.  DEFINITIONS. In this chapter:

(1)  "Commission" means the Texas Commission on Environmental Quality.

(2)  "District" means any district or authority created under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, that has the authority to regulate the spacing of water wells, the production of water wells, or both.

(2)  "Fund" means the Leaking Water Wells Fund established under Section 28.103.

(3)  "Program" means the Leaking Water Wells Program established under Section 28.104.

(4)  "Railroad Commission" means the Railroad Commission of Texas.

Sec. 28.102.  APPLICABILITY. This chapter applies only to a district in a county that:

(1)  has a population of not more than 16,000; and

(2)  is adjacent to at least seven counties with populations of less than 12,000.

Sec. 28.103.  LEAKING WATER WELLS FUND. (a) The leaking water wells fund is created as a fund in the state treasury outside the general revenue fund.

(b)  Notwithstanding any other law, the comptroller shall make a one-time transfer of $18,500,000 from the economic stabilization fund to the credit of the fund. The comptroller shall make the transfer described by this subsection as soon as practicable.

(c)  Money deposited to the credit of the fund may be used solely for the purpose of supporting the program under Section 28.104, including the costs of program administration and operation.

(d)  Interest earned on money deposited to the credit of the fund is exempt from Section 404.071, Government Code. Interest earned on money in the fund shall be retained in the fund.

Sec. 28.104.  LEAKING WATER WELLS PROGRAM. (a) The commission shall establish and administer a leaking water wells program designed to plug leaking water wells. Under the program, the commission shall provide grants for eligible projects to offset the cost of plugging leaking water wells.

(b)  Projects that may be considered for a grant under the program include leaking water wells that:

(1)  are located within 2,000 feet of a drinking water well, a water well for livestock or irrigation, or a sensitive wildlife area; or

(2)  have seasonal or annual flow to the surface, or a hydrological connection to surface water, including a waterway, intermittent stream, or springs system; and

(3)  whose plug, casing, completion interval, or otherwise general integrity is known to be deficient to the district, or whose completion interval is sufficiently proximate to other known intervals or pressurized zones with high concentrations of salinity, chlorides, sulfides, or other hazardous or toxic constituents.

Sec. 28.105.  APPLICATION FOR GRANT. (a) A district may apply for and receive a grant under the program.

(b)  An application for a grant under this chapter must be made on a form provided by the commission and must contain the information required by the commission.

Sec. 28.106.  ELIGIBILITY OF PROJECTS FOR GRANTS. (a) The commission by rule shall establish criteria for setting priorities for projects eligible to receive grants under this chapter.

(b)  A district applying for a grant must:

(1)  demonstrate that the project meets the criteria under Section 28.104(b);

(2)  obtain any necessary approvals from surface owners for access to the property where the leaking water wells are located; and

(3)  as necessary and subject to subsection (c), engage in a bid process to select and hire any contractors or subcontractors to perform the work.

(c)  Any contractors or subcontractors who work on a project must be on the approved list of well pluggers maintained by the Railroad Commission.

Sec. 28.107.  RESTRICTION ON USE OF GRANT. (a) A recipient of a grant under this chapter shall use the grant to pay the cost of the project for which the grant is made. The recipient may not use the grant to pay the recipient's administrative costs.

(b)  A leaking water well plugged under this program must be permanently plugged. The commission, in consultation with the Railroad Commission, shall establish criteria for ensuring that a well is permanently plugged.

(c)  Any funds not used by the recipient on a project to plug a water well must be returned to the fund.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.