

By: King of Uvalde

H.B. No. 3025

A BILL TO BE ENTITLED

AN ACT

relating to open, uncovered, abandoned, or deteriorated wells.

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

SECTION 1. Section 1901.255, Occupations Code, is amended by amending Subsection (c) and adding Subsection (c-1) to read as follows:

(c) Not later than the 30th ~~[180th]~~ day after the date a landowner or other person who possesses an abandoned ~~[or deteriorated]~~ well learns of its condition, the landowner or other person shall have the well plugged or capped under standards and procedures adopted by the commission.

(c-1) Not later than the 10th day after the date a landowner or other person who possesses a deteriorated well learns of its condition, the landowner or other person shall have the well plugged under standards and procedures adopted by the commission.

SECTION 2. The heading to Section 36.118, Water Code, is amended to read as follows:

Sec. 36.118. OPEN OR UNCOVERED WELLS; ABANDONED OR DETERIORATED WELLS.

SECTION 3. Sections 36.118(a), (b), (c), (d), and (e), Water Code, are amended to read as follows:

(a) A district may require the owner or lessee of land on which an open or uncovered well or abandoned well is located to keep the well permanently closed or capped with a covering that is:

1 (1) capable of sustaining weight of at least 400
2 pounds; and

3 (2) not easily removed~~[, except when the well is in~~
4 ~~actual use]~~.

5 (b) In ~~[As used in]~~ this section:

6 (1) "Abandoned well" has the meaning assigned by
7 Section 1901.255, Occupations Code.

8 (2) "Deteriorated well" has the meaning assigned by
9 Section 1901.255, Occupations Code.

10 (3) "Open ~~[, "open]~~ or uncovered well" means an
11 artificial excavation dug or drilled for the purpose of exploring
12 for or producing water from the groundwater reservoir and is not
13 capped or covered as required by this chapter.

14 (c) A district shall require the owner or lessee of land on
15 which a deteriorated well is located to plug the well or repair the
16 well sufficiently to prevent pollution of any water in this state,
17 including groundwater. The district shall notify the owner or
18 lessee of a requirement under this subsection. If the owner or
19 lessee fails or refuses to plug ~~[close or cap]~~ the well ~~[in~~
20 ~~compliance with this chapter]~~ in accordance with district rules,
21 not later than the 10th day after the date the owner or lessee
22 receives the notice from the district, any person, firm, or
23 corporation employed by the district may go on the land and plug
24 ~~[close or cap]~~ the well safely and securely.

25 (d) Reasonable expenses incurred by the district in
26 plugging ~~[closing or capping]~~ a well constitute a lien on the land
27 on which the well is located.

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

5 (1) the existence of the well;

6 (2) the legal description of the property on which the
7 well is located;

8 (3) the approximate location of the well on the
9 property;

10 (4) the failure or refusal of the owner or lessee,
11 after notification, to plug ~~[close]~~ the well within 10 days after
12 the notification;

13 (5) the plugging ~~[closing]~~ of the well by the
14 district, or by an authorized agent, representative, or employee of
15 the district; and

16 (6) the expense incurred by the district in plugging
17 ~~[closing]~~ the well.

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