

BILL ANALYSIS

C.S.H.B. 930
By: Miller, Doug
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Department of Licensing and Regulation (TDLR) is charged with licensing water well drillers and water well pump installers and ensuring that the drillers and installers are qualified to conduct their work in accordance with established standards that protect the integrity of the state's water supply. Interested parties note that the work of drillers and pump installers is complex and diverse, as they work with a variety of wells and pumps, and that certain changes in law are needed for clarity and modernization. The parties also note that TDLR previously oversaw driller and pump installer apprentice programs but recently decided that additional statutory language is needed in order to continue these apprentice programs. C.S.H.B. 930 seeks to address these needs.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTIONS 2 and 5 of this bill.

ANALYSIS

C.S.H.B. 930 amends the Occupations Code to change the fee required to be submitted to the Texas Department of Licensing and Regulation (TDLR) by an applicant for a license as a water well driller from an examination fee to an application fee, to remove language specifying that the fee is to be paid at the time the license application is submitted, and to specify that the application is to be submitted to TDLR. The bill removes the minimum specified frequency with which TDLR must offer examinations for such a license and for a license as a water well pump installer. The bill requires the Texas Commission of Licensing and Regulation by rule to establish an apprentice driller program and an apprentice pump installer program. The bill expands the methods by which a driller may deliver to specified recipients the required copy of a well log to include delivery by first class mail and electronic delivery.

C.S.H.B. 930 requires the Texas Commission of Licensing and Regulation, not later than December 1, 2015, to adopt rules to implement the bill's provisions and prohibits the commission from requiring a person to hold a license or license specialty endorsement as an apprentice driller or apprentice pump installer before June 1, 2016.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 930 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 1901.001, Occupations Code, is amended by amending Subdivisions (7), (7-b), and (16) and adding Subdivision (7-c) to read as follows:

(7) "Driller" means a water well driller, injection well driller, dewatering well driller, closed-loop geothermal well driller, or monitoring well driller.

(7-b) "Field operator" means a qualified employee of one of the following entities that has a memorandum of understanding with the department:

(A) a state agency with jurisdiction over wells;

(B) a municipality; or

(C) another political subdivision that assists the department with enforcement activities.

(7-c) "Groundwater conservation district" means a district to which Chapter 36, Water Code, applies.

(16) "Well" means a water well, injection well, dewatering well, closed-loop geothermal well, or monitoring well.

SECTION 2. Subchapter B, Chapter 1901, Occupations Code, is amended by adding Section 1901.056 to read as follows:

Sec. 1901.056. FIELD OPERATIONS PROGRAM. (a) The commission by rule shall establish a field operations program using field operators.

(b) Rules adopted under Subsection (a) must establish:

(1) training requirements for a field operator;

(2) registration procedures for a field operator;

(3) policies governing the acts of a field operator in conducting an inspection or investigation; and

(4) policies governing the conditions under which a field operator may enter private property for the purpose of conducting an inspection.

(c) A field operator may enter private property, as provided by commission rule, for the purpose of conducting an inspection.

HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

No equivalent provision.

SECTION 3. Section 1901.152, Occupations Code, is amended.

SECTION 4. Subchapter D, Chapter 1901, Occupations Code, is amended.

SECTION 5. Section 1901.201, Occupations Code, is amended.

SECTION 6. Sections 1901.251(a) and (b), Occupations Code, are amended to read as follows:

(a) Each driller who drills, deepens, or otherwise alters a [water] well in this state shall make and keep a legible and accurate well log in accordance with rules adopted by the commission and on forms prescribed by the executive director. The well log shall be recorded at the time of drilling, deepening, or otherwise altering the well and must contain:

- (1) the depth, thickness, and character of the strata penetrated;
- (2) the location of water-bearing strata;
- (3) the depth, size, and character of casing installed; and
- (4) any other information required by rules adopted by the commission.

(b) Not later than the 60th day after the date of the completion or cessation of drilling, deepening, or otherwise altering the well, the driller shall deliver, [or] send by first class [certified] mail, or provide electronically a copy of the well log to:

- (1) the department;
- (2) the Texas Commission on Environmental Quality [~~Natural Resource Conservation Commission~~]; [and]
- (3) the owner of the well or the person for whom the well was drilled; and
- (4) any groundwater conservation district in which the well is located.

SECTION 7. Subchapter F, Chapter 1901, Occupations Code, is amended by adding Section 1901.258 to read as follows:

Sec. 1901.258. CONVERSION OF OIL OR GAS WELL TO WATER WELL. A driller shall supervise the recompletion, perforation, or conversion of an oil or gas well to a water well. An oil or gas well converted to a water well used by a public water system must meet the requirements of the Texas Commission on Environmental Quality.

SECTION 1. Same as introduced version.

SECTION 2. Same as introduced version.

SECTION 3. Same as introduced version.

SECTION 4. Section 1901.251(b), Occupations Code, is amended to read as follows:

(b) Not later than the 60th day after the date of the completion or cessation of drilling, deepening, or otherwise altering the well, the driller shall deliver, [or] send by first class [certified] mail, or provide electronically a copy of the well log to:

- (1) the department;
- (2) the Texas Commission on Environmental Quality [~~Natural Resource Conservation Commission~~]; and
- (3) the owner of the well or the person for whom the well was drilled.

No equivalent provision.

SECTION 8. Subchapter I, Chapter 1901, Occupations Code, is amended by adding Section 1901.405 to read as follows:

Sec. 1901.405. FIELD OPERATORS; ENFORCEMENT. (a) The department may enter into a memorandum of understanding with an entity described by Subsection (b) to assist in the enforcement of this chapter or a rule adopted under this chapter, including rules governing the performance of inspections and the conduct of investigations.

(b) The department may enter into a memorandum of understanding under Subsection (a) with:

- (1) a state agency with jurisdiction over wells;
- (2) a municipality; or
- (3) another political subdivision that assists the department with enforcement activities.

SECTION 9. Section 1902.001, Occupations Code, is amended by adding Subdivision (4-b) to read as follows:

(4-b) "Field operator" means a qualified employee of one of the following entities that has a memorandum of understanding with the department:

- (A) a state agency with jurisdiction over wells;
- (B) a municipality; or
- (C) another political subdivision that assists the department with enforcement activities.

SECTION 10. Section 1902.152, Occupations Code, is amended to read as follows:

Sec. 1902.152. LICENSE APPLICATION[; EXAMINATION FEE]. [~~(a)~~] An applicant [application] for a license must submit to the department [contain]:

- (1) an application that includes:
 - (A) the applicant's name;
 - (B) [~~2~~] the applicant's business address;
 - (C) [~~3~~] the applicant's permanent mailing address; and
 - (D) [~~4~~] any other information required by the department; and [-]
- (2) [~~(b)~~] An applicant must pay to the department an application [examination] fee [at the time the application is submitted].

SECTION 11. Subchapter D, Chapter 1902, Occupations Code, is amended.

No equivalent provision.

No equivalent provision.

No equivalent provision.

SECTION 5. Same as introduced version.

SECTION 12. Section 1902.201, Occupations Code, is amended.

SECTION 13. Subchapter I, Chapter 1902, Occupations Code, is amended by adding Section 1902.405 to read as follows:

Sec. 1902.405. FIELD OPERATORS; ENFORCEMENT. (a) The department may enter into a memorandum of understanding with an entity described by Subsection (b) to assist in the enforcement of this chapter or a rule adopted under this chapter, including rules governing the performance of inspections and the conduct of investigations.

(b) The department may enter into a memorandum of understanding under Subsection (a) with:

(1) a state agency with jurisdiction over wells;

(2) a municipality; or

(3) another political subdivision that assists the department with enforcement activities.

SECTION 14. Not later than December 1, 2015, the Texas Commission of Licensing and Regulation shall adopt rules to implement the changes in law made by this Act to Chapters 1901 and 1902, Occupations Code.

SECTION 15. The Texas Commission of Licensing and Regulation may not require a person to hold a license or license specialty endorsement as an apprentice driller or apprentice pump installer under Sections 1901.153 and 1902.153, Occupations Code, as added by this Act, before June 1, 2016.

SECTION 16. This Act takes effect September 1, 2015.

SECTION 6. Same as introduced version.

No equivalent provision.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

SECTION 9. Same as introduced version.