

## **BILL ANALYSIS**

Senate Research Center

H.B. 3330  
By: Walker (Duncan)  
Natural Resources  
5/9/1999  
Committee Report (Amended)

### **DIGEST**

Currently, Chapter 32 of the Water Code regulates water well drillers. This bill would modify the grounds for water well driller license revocation, suspension, and reprimand, and would modify the enforcement process, allowing for administrative penalties for violations, and would set a time limit on the right to contest an order issued by the Texas Commission on Licensing and Regulation.

### **PURPOSE**

As proposed, H.B. 3330 modifies the grounds for water well driller license revocation, suspension, and reprimand, and modifies the enforcement process, allowing for administrative penalties for violations, and sets a time limit on the right to contest an order issued by the Texas Commission on Licensing and Regulation.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 32.002, Water Code, by adding Subsection (k), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

SECTION 2. Amends Section 32.010, Water Code, by adding Subsection (b), to provide that grounds for revocation, suspension, or reprimand of a water well driller's license include intentionally misstating or misrepresenting a fact on an application or well log or to a person for whom a well is being drilled, deepened, or otherwise altered; failing to keep and transmit well logs; failing to advise a person for whom a well is being drilled of specified hazards; or failing to complete a well in accordance with standards and procedures.

SECTION 3. Amends Section 32.011, Water Code, by adding Subsection (c), to authorize the assessment of an administrative penalty only after the person charged with a violation has been given an opportunity for a public hearing.

SECTION 4. Amends Section 32.014(b), Water Code, to require money collected under this chapter to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 5. Amends Section 32.012(b), Water Code, to require money collected under this chapter to be deposited to the credit of the water well drillers account, rather than the commission occupational licensing account.

SECTION 6. Amends Section 33.002, Water Code, by adding Subsection (j), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project.

SECTION 7. Emergency clause.  
Effective date: upon passage.

## **SUMMARY OF COMMITTEE CHANGES**

### **SECTION 1.**

Amends Section 32.002, Water Code, by adding Subsection (k), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project. Redesignates proposed SECTION 1 as SECTION 2, and renumbers subsequent SECTIONS appropriately.

### **SECTION 2.**

Amends Section 32.010(b), Water Code, to delete text providing that grounds for revocation, suspension, or reprimand of a water well driller's license include failing to register a well, and being an incompetent driller. Makes conforming changes.

### **SECTION 6.**

Amends Section 33.002, Water Code, by adding Subsection (j), to provide that this section does not apply to a person who drills, bores, cores, or constructs a dewatering well or system to remove water for the purposes of constructing a highway, road, bridge, drainage, or underground utility project. Redesignates proposed SECTION 6 as SECTION 7.