

SUBJECT: Regulation of water well drillers and pump installers

COMMITTEE: Natural Resources — committee substitute recommended

VOTE: 7 ayes — Counts, Yost, Combs, Corte, R. Lewis, Puente, Walker  
0 nays  
2 absent — King, Stiles

WITNESSES: For — Raymond Felder, John Pyburn, Charlie Waller and Billy Green, Texas Ground Water Association; Gary D. Grant, Hi plains Drilling/Texas Natural Resource Conservation Commission Water Well Advisory Council; Richard Bowers, North Plains Groundwater Conservation District No. 2  
  
Against — None

On — Dennis Clark, Emerald Underground Water Conservation Association

BACKGROUND: The Water Well Drillers Board was abolished on September 1, 1992, and its functions transferred to the Texas Natural Resource Conservation Commission (TNRCC) after the 72nd Legislature enacted SB 2 by Parker. Water well pump installers are also regulated by TNRCC.

Under current law members of the Water Well Drillers Advisory Council may not receive any compensation for travel expenses, including expenses for meals and lodging, other than transportation expenses.

Chapter 32 of the Water Code regulates water well drillers, while Chapter 33 regulates water well pump installers.

DIGEST: CSHB 2476 would amend Water Code Chapters 32 and 33 relating to water well drillers and water well pump installers respectively, and would remove provisions requiring Department of Licensing and Regulation approval of TNRCC rules concerning water pump installers and drillers.

Members of the Water Well Drillers Advisory Council would be entitled to reimbursement for travel expenses, including meals and lodging.

Money from the water well drillers fund could only be used by the TNRCC to administer Water Code Chapter 34, regulating Water Well Drillers. TNRCC administrative expenses from the fund would be limited to 20 percent of the fund. CSHB 2476 would delete a current statutory requirement that the water well drillers fund is subject to audit by the state auditor.

The bill would clarify statutory definitions of "dewatering well" and "monitoring well," under Water Code Chapter 32 and define "deteriorated well" as a well that, because of its condition, would cause, or is likely to cause, pollution of any water in the state including groundwater in both Chapters 32 and 33 of the Water Code.

Persons assisting those constructing water wells on their own property would be exempted from the definition of water well driller.

The bill would take effect September 1, 1995.

**SUPPORTERS SAY:** CSHB 2476 would remove unnecessary provisions in the Water Code requiring the Texas Department of Licensing and Regulation to approve rules and exams proposed by the Texas Natural Resource Conservation Commission relating to water well pump installers. Those references were added to the current statutes in 1991 in anticipation of an omnibus licensing bill that never passed and are completely unnecessary.

Board members need to be reimbursed for travel expenses within reason. It is unreasonable to expect board members to pay all travel expenses out of their own pockets.

Capping administrative costs from the water well drillers fund at 20 percent is a reasonable limit. There is no need for administrative costs to exceed 20 percent. TNRCC administrative costs have more than doubled since 1992.

**OPPONENTS SAY:** CSHB 2476 should require continuing education programs for water well drillers and pump installers, who can seriously endanger groundwater supplies if they do not know how to drill a well correctly.

Continuing education is necessary for drillers and pump installers to keep up, not only with technological advances in the field, but also with new rules and regulations concerning water wells.

NOTES:

The committee substitute deleted provisions in the original bill which would have made participation in continuing education programs mandatory. The substitute also limited administrative expenses to 20 percent (rather than 15 percent as specified by the filed version of the bill) of the Water Well Driller's Fund.

The substitute also excluded persons assisting those constructing water wells on their own property from the definition of water well driller.