

By: Turner

H.B. No. 1194

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the requirement of a public hearing on certain  
3 applications for a permit to drill an oil or gas well.

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

5 SECTION 1. Subchapter D, Chapter 91, Natural Resources  
6 Code, is amended by adding Section 91.118 to read as follows:

7 Sec. 91.118. PUBLIC HEARING ON CERTAIN DRILLING PERMIT  
8 APPLICATIONS. (a) In this section:

9 (1) "Child-care facility" has the meaning assigned by  
10 Section 42.002, Human Resources Code.

11 (2) "Private school" means a private school, including  
12 a parochial school, that:

13 (A) offers a course of instruction for students  
14 in one or more grades from kindergarten through grade 12; and

15 (B) has more than 100 students enrolled and  
16 attending courses at a single location.

17 (b) The commission by rule shall require an applicant for a  
18 permit to drill a new oil or gas well to indicate on the application  
19 whether the proposed well site is located within 1,500 feet of the  
20 property line of a child-care facility, private school, primary or  
21 secondary public school, or facility that is owned by a school  
22 district and used by students enrolled in that district.

23 (c) The commission may not grant an application for a permit  
24 to drill a new oil or gas well if the proposed well site is located

1 within 1,500 feet of the property line of a child-care facility,  
2 private school, primary or secondary public school, or facility  
3 that is owned by a school district and used by students enrolled in  
4 that district unless:

5 (1) the commission holds a public hearing in the  
6 county in which the proposed well site is located to receive public  
7 comments on whether granting the permit application is in the  
8 public interest; and

9 (2) the commission considers the comments received  
10 when determining whether to grant the application.

11 (d) This section does not affect the authority of a  
12 political subdivision to enact, amend, or enforce an ordinance or  
13 other measure related to the drilling of new oil or gas wells.

14 SECTION 2. The change in law made by this Act applies only  
15 to a permit application submitted to the Railroad Commission of  
16 Texas on or after the effective date of the rules adopted under  
17 Section 91.118, Natural Resources Code, as added by this Act. A  
18 permit application submitted before the effective date of the rules  
19 adopted under Section 91.118, Natural Resources Code, as added by  
20 this Act, is governed by the law in effect when the permit  
21 application was submitted, and the former law is continued in  
22 effect for that purpose.

23 SECTION 3. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2023.