

By: Miller

H.B. No. 521

Substitute the following for H.B. No. 521:

By: Gonzalez Toureilles

C.S.H.B. No. 521

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to notice of an application for a permit to dispose of oil  
3 and gas waste in a commercial disposal well; creating an offense.

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

5 SECTION 1. Section 27.034, Water Code, is amended by adding  
6 Subsections (a-1), (a-2), and (a-3) to read as follows:

7 (a-1) In connection with an application for a permit to  
8 dispose of oil and gas waste in a commercial disposal well, as  
9 defined by the railroad commission, the rules adopted under  
10 Subsection (a) must, at a minimum:

11 (1) require the applicant to give notice of the  
12 application to:

13 (A) each owner of record of each surface tract  
14 that adjoins the tract on which the well is proposed to be located;

15 (B) the commissioners court of the county in  
16 which the well is proposed to be located; and

17 (C) any groundwater conservation district in  
18 which the well is proposed to be located;

19 (2) require each owner of record of a surface tract who  
20 receives notice of the application under Subdivision (1)(A) to give  
21 notice of the application to each surface lessee or purchaser under  
22 a contract for deed, executory contract, or other executory  
23 conveyance of the tract who occupies a residence located on the  
24 tract;

1           (3) require the applicant to publish notice of the  
2 application in:

3           (A) a newspaper of general circulation in the  
4 county in which the well is proposed to be located; and

5           (B) the newspaper that is published in closest  
6 proximity to the proposed site of the well; and

7           (4) provide each person who receives notice of the  
8 application under Subdivision (1) an opportunity to request a  
9 public hearing on the application.

10          (a-2) The failure of a person who receives notice of an  
11 application under Subsection (a-1)(1)(A) to give notice of the  
12 application to any person to whom the person is required to give  
13 notice under Subsection (a-1)(2) does not invalidate any permit  
14 issued by the railroad commission.

15          (a-3) The commission is not required to hold more than one  
16 public hearing on an application regardless of the number of  
17 persons who request a hearing.

18          SECTION 2. Section 27.105, Water Code, is amended by  
19 amending Subsection (a) and adding Subsections (a-1) and (a-2) to  
20 read as follows:

21          (a) Except as provided by Subsection (a-1), a [A] person who  
22 knowingly or intentionally violates a provision of this chapter  
23 under the jurisdiction of the railroad commission, a rule of the  
24 railroad commission, or a term, condition, or provision of a permit  
25 issued by the railroad commission under this chapter is subject to a  
26 fine of not more than \$5,000 for each violation and for each day of  
27 violation.

1        (a-1) A person commits an offense if the person knowingly  
2 violates a rule of the railroad commission adopted under Section  
3 27.034(a-1)(2). An offense under this subsection is a Class C  
4 misdemeanor.

5        (a-2) A violation under the jurisdiction of the commission  
6 is enforceable under Section 7.157.

7        SECTION 3. This Act takes effect September 1, 2007.