

1-1 By: King of Parker, Veasey, Orr H.B. No. 630  
1-2 (Senate Sponsor - Estes)  
1-3 (In the Senate - Received from the House April 16, 2007;  
1-4 April 17, 2007, read first time and referred to Committee on  
1-5 Natural Resources; May 3, 2007, reported favorably by the  
1-6 following vote: Yeas 8, Nays 0; May 3, 2007, sent to printer.)

1-7 A BILL TO BE ENTITLED  
1-8 AN ACT

1-9 relating to notice to a surface owner by an oil or gas well operator  
1-10 of the issuance of a permit for certain oil and gas operations.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Chapter 91, Natural Resources Code, is amended  
1-13 by adding Subchapter P to read as follows:

1-14 SUBCHAPTER P. NOTICE OF PERMIT FOR CERTAIN OIL AND GAS OPERATIONS

1-15 Sec. 91.701. DEFINITION. In this subchapter, "surface  
1-16 owner" means the first person who is shown on the appraisal roll of  
1-17 the appraisal district established for the county in which a tract  
1-18 of land is located as owning an interest in the surface estate of  
1-19 the land at the time notice is required to be given under this  
1-20 subchapter.

1-21 Sec. 91.702. APPLICABILITY. This subchapter applies only  
1-22 to the drilling of a new oil or gas well or the reentry of a plugged  
1-23 and abandoned oil or gas well. This subchapter does not apply to:

1-24 (1) the plugging back, reworking, sidetracking, or  
1-25 deepening of an existing oil or gas well that has not been plugged  
1-26 and abandoned; or

1-27 (2) the use of a surface location that is the site of  
1-28 an existing oil or gas well that has not been plugged and abandoned  
1-29 to drill a horizontal oil or gas well.

1-30 Sec. 91.703. NOTICE REQUIRED. (a) Not later than the 15th  
1-31 business day after the date the commission issues an oil or gas well  
1-32 operator a permit to drill a new oil or gas well or to reenter a  
1-33 plugged and abandoned oil or gas well, the operator shall give  
1-34 written notice of the issuance of the permit to the surface owner of  
1-35 the tract of land on which the well is located or is proposed to be  
1-36 located.

1-37 (b) An oil or gas well operator is not required to give  
1-38 notice under this subchapter to a surface owner if:

1-39 (1) the operator and the surface owner have entered  
1-40 into an agreement that contains alternative provisions regarding  
1-41 the operator's obligation to give notice of oil and gas operations;  
1-42 or

1-43 (2) the surface owner has waived in writing the owner's  
1-44 right to notice under this subchapter.

1-45 Sec. 91.704. ADDRESS FOR NOTICE. The notice must be given  
1-46 to the surface owner at the surface owner's address as shown by the  
1-47 records of the county tax assessor-collector at the time the notice  
1-48 is given.

1-49 Sec. 91.705. COMMISSION PERMITS AND RIGHTS OF OWNER OF  
1-50 MINERAL ESTATE NOT AFFECTED. (a) This subchapter does not affect  
1-51 the status of any rule of law to the effect that the mineral estate  
1-52 in land is dominant over the surface estate.

1-53 (b) Failure to give notice as required by this subchapter  
1-54 does not restrict, limit, work as a forfeiture of, or terminate any  
1-55 existing or future permit issued by the commission or right to  
1-56 develop the mineral estate in land.

1-57 SECTION 2. The change in law made by this Act applies only  
1-58 to oil and gas operations for which a permit is issued on or after  
1-59 October 1, 2007. Oil and gas operations for which a permit is  
1-60 issued before October 1, 2007, are governed by the law as it existed  
1-61 immediately before the effective date of this Act, and that law is  
1-62 continued in effect for that purpose.

1-63 SECTION 3. This Act takes effect September 1, 2007.

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