

By: Orr

H.B. No. 3644

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the commissioners court of certain counties to regulate certain matters pertaining to gas wells and natural gas compressor stations; imposing a criminal penalty.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REGULATION OF GAS WELLS AND COMPRESSOR STATIONS IN CERTAIN COUNTIES

Sec. 240.101. APPLICABILITY. This subchapter applies only to a county:

(1) that has a population of 100,000 or more;

(2) that is located adjacent to a county in which the majority of the populations of two or more municipalities each of which has a population of 300,000 or more are located; and

(3) in which 800 or more gas wells are located, as shown in the records of the Railroad Commission of Texas.

Sec. 240.102. AUTHORITY TO REGULATE PLACEMENT OF GAS WELLS AND COMPRESSOR STATIONS. The commissioners court of a county by order may prohibit the drilling of a gas well or the construction of a natural gas compressor station in the unincorporated area of the county if the gas well or compressor station is to be located within a specified distance of an established residence or building.

Sec. 240.103. AUTHORITY TO REGULATE NOISE LEVEL OF GAS

1 WELLS AND COMPRESSOR STATIONS. The commissioners court of a county
2 by order may regulate the noise level associated with the drilling
3 or operation of a gas well or the construction or operation of a
4 natural gas compressor station in the unincorporated area of the
5 county.

6 Sec. 240.104. AUTHORITY TO REQUIRE PERMITS FOR GAS WELLS
7 AND COMPRESSOR STATIONS. In an order adopted under this
8 subchapter, a commissioners court may:

9 (1) require that a permit be obtained from the county
10 before a gas well may be drilled or a natural gas compressor station
11 may be constructed; and

12 (2) establish a fee in an amount sufficient to cover
13 the cost of issuing the permit.

14 Sec. 240.105. OFFENSE. (a) A person commits an offense if
15 the person violates an order adopted under this subchapter and the
16 order defines the violation as an offense.

17 (b) An offense under this section is prosecuted in the same
18 manner as an offense defined under state law.

19 (c) An offense under this section is a Class C misdemeanor.

20 Sec. 240.106. INJUNCTION. The county attorney or an
21 attorney representing the county may file an action in a district
22 court to enjoin a violation or threatened violation of an order
23 adopted under this subchapter. The court may grant appropriate
24 relief.

25 SECTION 2. This Act takes effect September 1, 2009.