

By: Chisum

H.B. No. 4654

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county or municipality to regulate the drilling of oil and gas wells.

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

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Subchapter R to read as follows:

SUBCHAPTER R. REGULATION BY COUNTY OR MUNICIPALITY OF DRILLING OF OIL AND GAS WELLS

Sec. 91.801. ADOPTION BY COMMISSION OF MODEL COUNTY OR MUNICIPAL RULES. (a) The commission shall prepare and adopt model rules for adoption by a county and model rules for adoption by a municipality regulating the drilling of oil and gas wells in the county or municipality, respectively.

(b) The model rules must promote:

(1) the health, safety, morals, and general welfare of the county or municipality adopting the model rules; and

(2) the safe, orderly, and healthful development of the county or municipality adopting the model rules.

Sec. 91.802. COUNTY OR MUNICIPAL REGULATION OF DRILLING OF OIL AND GAS WELLS. (a) A county by order or a municipality by ordinance may regulate the drilling of oil and gas wells in the county or municipality, respectively, if:

(1) the county or municipality is authorized to do so under other law; and

1 (2) except as provided by Subsection (b), the order or
2 ordinance is consistent with the applicable model rules adopted by
3 the commission under Section 91.801.

4 (b) A county or municipality may adopt an order or
5 ordinance, respectively, that conflicts with the applicable model
6 rules adopted by the commission under Section 91.801 only if the
7 commission after a hearing determines that the county or
8 municipality has shown that, because of circumstances specific to
9 the county or municipality, the public interest necessitates
10 authorizing the county or municipality to adopt the conflicting
11 order or ordinance.

12 SECTION 2. (a) As soon as practicable after the effective
13 date of this Act, the Railroad Commission of Texas shall adopt model
14 rules under Section 91.801, Natural Resources Code, as added by
15 this Act.

16 (b) An order adopted by a county or an ordinance adopted by a
17 municipality before the effective date of this Act regulating the
18 drilling of oil and gas wells remains in effect until the model
19 rules adopted by the Railroad Commission of Texas under Section
20 91.801, Natural Resources Code, as added by this Act, take effect.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2009.