

By: Farabee, Gonzalez Toureilles

H.C.R. No. 67

Substitute the following for H.C.R. No. 67:

By: Craddick

C.S.H.C.R. No. 67

#### HOUSE CONCURRENT RESOLUTION

1           WHEREAS, The oil industry in Texas dates back to the late 19th  
2 century, and the natural gas industry has been a significant part of  
3 the state's economy since the middle of the 20th century; today,  
4 Texas is the top combined oil and gas producer in the country;  
5 during Fiscal Year 2008, Texas producers employed more than 200,000  
6 people and paid more than \$5 billion in taxes and fees to the  
7 state's general revenue fund; and

8           WHEREAS, The regulation of oil and gas exploration and  
9 production activities has traditionally been within the purview of  
10 the states; the Texas Legislature passed its first regulatory  
11 statute for oil in 1899, and the industries have since been  
12 regulated by the Railroad Commission of Texas in coordination with  
13 the Interstate Oil and Gas Compact Commission (IOGCC); and

14           WHEREAS, In recent years, however, the Congress has  
15 considered legislation to augment the 1974 Safe Drinking Water Act  
16 (SDWA) and grant authority to the federal government to regulate  
17 oil and gas drilling and production operations; in particular,  
18 lawmakers have focused on a natural gas drilling technique called  
19 hydraulic fracturing, which is used to extract natural gas from  
20 deep rock much faster than would otherwise be possible; implemented  
21 in the late 1940s, the technology has become a standard method for  
22 improving efficiency; and

23           WHEREAS, Hydraulic fracturing is not covered by the SDWA, and  
24 the Congress clarified this in the Energy Policy Act of 2005, which

1 specifically exempts the technology from regulation under the SDWA  
2 and preserves the state regulatory system; hydraulic fracturing has  
3 been regulated by states for more than 50 years, and in 2002 the  
4 IOGCC surveyed oil and gas producing states and found that there  
5 were no known cases of groundwater contamination associated with  
6 hydraulic fracturing; and

7 WHEREAS, Domestic energy development is vital to the energy  
8 security of the United States, and the application of hydraulic  
9 fracturing techniques is estimated to have added more than 7  
10 billion barrels of oil and 600 trillion cubic feet of natural gas to  
11 the nation's energy needs; hydraulic fracturing in the Barnett  
12 Shale of Texas alone has contributed to the production of more than  
13 four trillion cubic feet of natural gas; and

14 WHEREAS, The current approach to regulating hydraulic  
15 fracturing has effectively protected groundwater and drinking  
16 water sources from impacts related to oil and gas exploration and  
17 production activities; more restrictive regulation, which may not  
18 increase the protection of underground drinking water, could harm  
19 the supply of oil and natural gas at a time when the country  
20 requires more domestic energy production than ever before; now,  
21 therefore, be it

22 RESOLVED, That the 81st Legislature of the State of Texas  
23 hereby respectfully urge the United States Congress to maintain  
24 state regulatory coverage of hydraulic fracturing; and, be it  
25 further

26 RESOLVED, That the Texas secretary of state forward official  
27 copies of this resolution to the president of the United States, the

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1 speaker of the house of representatives and the president of the  
2 senate of the United States Congress, and to all the members of the  
3 Texas delegation to the Congress with the request that this  
4 resolution be officially entered in the Congressional Record as a  
5 memorial to the Congress of the United States of America.