

By: Fraser

S.B. No. 656

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 27.034, Water Code, is amended by adding Subsection (a-1) to read as follows:

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

(1) require the applicant to give notice to:

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

(B) the county judge of the county in which the well is proposed to be located;

(2) require the applicant to publish notice in the newspaper having the largest circulation in the county in which the well is proposed to be located;

(3) require each owner of record of a surface tract who receives notice under Subdivision (1)(A) to give notice to each surface lessee or purchaser under a contract for deed, executory contract, or other executory conveyance of the tract; and

(4) provide each person who receives notice under this

1 subsection an opportunity to request a public hearing on the
2 application.

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

6 (a) Except as provided by Subsection (a-1), a [~~A~~] person who
7 knowingly or intentionally violates a provision of this chapter
8 under the jurisdiction of the railroad commission, a rule of the
9 railroad commission, or a term, condition, or provision of a permit
10 issued by the railroad commission under this chapter is subject to a
11 fine of not more than \$5,000 for each violation and for each day of
12 violation.

13 (a-1) A person commits an offense if the person knowingly
14 violates a rule of the railroad commission adopted under Section
15 27.034(a-1)(3). An offense under this subsection is a Class C
16 misdemeanor.

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

19 SECTION 3. This Act takes effect September 1, 2009.