

1-1 By: Davis, Nelson S.B. No. 752
1-2 (In the Senate - Filed February 10, 2009; March 4, 2009,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 14, 2009, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 14, 2009,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 752 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a restriction on the formation in which certain
1-11 commercial disposal wells permitted by the Railroad Commission of
1-12 Texas may inject oil and gas waste.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter C, Chapter 27, Water Code, is amended
1-15 by adding Section 27.039 to read as follows:

1-16 Sec. 27.039. RESTRICTION ON CERTAIN COMMERCIAL DISPOSAL
1-17 WELLS. (a) This section applies only to a commercial disposal
1-18 well, as defined by the railroad commission, proposed to be located
1-19 in a county that:

1-20 (1) has a population of more than 1.4 million; and
1-21 (2) is located wholly or partly above a
1-22 hydrocarbon-producing geological formation in which during 2008
1-23 the railroad commission issued more than 1,000 drilling permits
1-24 authorizing gas or other wells to be completed.

1-25 (b) A permit issued by the railroad commission for a
1-26 commercial disposal well, as defined by the railroad commission,
1-27 that authorizes the disposal of oil and gas waste may authorize the
1-28 disposal of the waste only in the Ellenberger formation or a deeper
1-29 formation.

1-30 SECTION 2. The change in law made by this Act applies only
1-31 to a permit application pending before the Railroad Commission of
1-32 Texas on or after the effective date of this Act. A permit issued
1-33 before the effective date of this Act is governed by the law in
1-34 effect when the permit was issued, and the former law is continued
1-35 in effect for that purpose.

1-36 SECTION 3. This Act takes effect immediately if it receives
1-37 a vote of two-thirds of all the members elected to each house, as
1-38 provided by Section 39, Article III, Texas Constitution. If this
1-39 Act does not receive the vote necessary for immediate effect, this
1-40 Act takes effect September 1, 2009.

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