

1-1 By: Davis S.B. No. 105  
1-2 (In the Senate - Filed November 8, 2010; January 31, 2011,  
1-3 read first time and referred to Committee on Natural Resources;  
1-4 April 28, 2011, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 8, Nays 0; April 28, 2011,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 105 By: Seliger

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

1-10 relating to a restriction on the formation into 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 27.038 to read as follows:

1-16 Sec. 27.038. 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 wholly or partly above a hydrocarbon-producing geological  
1-20 formation that underlies all or part of two counties:

1-21 (1) that are adjacent to one another; and

1-22 (2) each of which has a population of more than 1.8  
1-23 million.

1-24 (b) A permit issued by the railroad commission for a  
1-25 commercial disposal well that authorizes the disposal of oil and  
1-26 gas waste may authorize the disposal of the waste in only the  
1-27 Ellenberger formation or a deeper formation.

1-28 SECTION 2. Section 27.038, Water Code, as added by this Act,  
1-29 applies only to a permit application pending before the Railroad  
1-30 Commission of Texas on or after the effective date of this Act. A  
1-31 permit issued before the effective date of this Act is governed by  
1-32 the law in effect when the permit was issued, and the former law is  
1-33 continued in effect for that purpose.

1-34 SECTION 3. This Act takes effect immediately if it receives  
1-35 a vote of two-thirds of all the members elected to each house, as  
1-36 provided by Section 39, Article III, Texas Constitution. If this  
1-37 Act does not receive the vote necessary for immediate effect, this  
1-38 Act takes effect September 1, 2011.

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