

By: Burnam

H.B. No. 3597

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Railroad Commission of Texas to issue a permit to drill an oil or gas well in an easement held by the Texas Department of Transportation.

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

SECTION 1. Subchapter B, Chapter 91, Natural Resources Code, is amended by adding Section 91.021 to read as follows:

Sec. 91.021. PERMIT TO DRILL WELL IN TRANSPORTATION EASEMENT. (a) In this section, "department" means the Texas Department of Transportation.

(b) Not later than the fifth day after the date the commission receives an application for a permit to drill an oil or gas well, the commission shall notify the department of the receipt of the application.

(c) Not later than the 30th day after the date the department receives the notice described by Subsection (b), the department shall notify the commission whether the proposed location of the well is in an easement held by the department.

(d) If the department notifies the commission that the proposed location of the well is in an easement held by the department, the commission may not issue the permit unless the commission includes in the permit conditions that prohibit drilling or other operations on the surface of land during the period in which the land is used by this state as a highway, road, street, or

1 alley. This subsection does not prohibit the issuance of a permit
2 for the drilling of a horizontal well the horizontal drain hole of
3 which is proposed to be located under land used by this state as a
4 highway, road, street, or alley if drilling or other operations
5 will not be conducted on the surface of that land.

6 SECTION 2. Section 91.021, Natural Resources Code, as added
7 by this Act, applies only to a permit application filed with the
8 Railroad Commission of Texas on or after the effective date of this
9 Act. A permit application filed with the commission before the
10 effective date of this Act is governed by the law in effect when the
11 application was filed, and the former law is continued in effect for
12 that purpose.

13 SECTION 3. This Act takes effect September 1, 2013.