

By: Eckhardt

S.B. No. 1216

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Railroad Commission of Texas to permit the release into the air of natural gas from a gas well.

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

SECTION 1. Section 86.185, Natural Resources Code, is amended to read as follows:

Sec. 86.185. PROHIBITION AGAINST GAS IN AIR. (a) No gas from a gas well may be permitted to escape into the air after the expiration of 10 days from the time the gas is encountered in the gas well, or from the time of perforating the casing opposite a gas-bearing zone if casing is set through the zone, whichever is later, but the commission may permit the escape of gas into the air for an additional time if:

(1) the operator of a well or other facility presents information to show:

(A) the necessity for the escape; and

(B) the operator made a good faith and commercially reasonable effort to capture and sell the gas, or otherwise use the gas for another productive purpose, as defined by commission rule; and

(2) [~~provided that~~] the amount of gas which is flared under the [~~that~~] commission's authority is charged to the operator's allowable production.

(b) For the purposes of Subsection (a):

1 (1) a [A] necessity includes [~~but is not limited to the~~
2 ~~following situations~~]:

3 (A) [~~(1)~~] cleaning a well of sand or acid or both
4 following stimulation treatment of a well; and

5 (B) [~~(2)~~] repairing or modifying a gas-gathering
6 system; and

7 (2) an operator of a well or other facility is
8 considered to have made a good faith and commercially reasonable
9 effort if:

10 (A) the well is:

11 (i) connected to a pipeline on which
12 pipeline takeaway capacity is not expected to meet the demand for
13 gas produced from the well; or

14 (ii) not connected to a pipeline and
15 connection to a pipeline is technically or commercially unfeasible;

16 (B) the operator evaluated options for on-site
17 consumption of the gas and determined:

18 (i) on-site consumption of the gas is
19 technically or commercially unfeasible; or

20 (ii) commercial interest in on-site
21 consumption does not meet the demand for gas produced from the well;
22 and

23 (C) the operator evaluated options to use the gas
24 for another productive purpose and determined it would be
25 technically or commercially unfeasible.

26 (c) The commission shall adopt rules necessary to implement
27 this section.

1 SECTION 2. Not later than December 1, 2025, the Railroad
2 Commission of Texas shall adopt rules necessary to implement
3 Section [86.185](#), Natural Resources Code, as amended by this Act.

4 SECTION 3. This Act takes effect September 1, 2025.