

By: Davis, Wendy

S.B. No. 2402

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate the exploration for and development and production of natural gas; providing a penalty.

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

SECTION 1. Subchapter Z, Chapter 240, Local Government Code, is amended by adding Section 240.910 to read as follows:

Sec. 240.910. REGULATION OF EXPLORATION FOR AND DEVELOPMENT AND PRODUCTION OF NATURAL GAS IN CERTAIN COUNTIES. (a) This section applies only to a county with a population of 1.4 million or more in which two or more municipalities with a population of 300,000 or more are located.

(b) To protect public health, safety, or welfare, the commissioners court of a county subject to this section by order may regulate the exploration for and development and production of natural gas in the unincorporated area of the county by establishing reasonable and uniform regulations for operations relating to exploring and drilling for, developing, producing, transporting, and storing natural gas and other substances produced in association with natural gas, including regulations to:

(1) minimize the potential impact to surface owners and mineral rights owners;

(2) protect the quality of the environment; and

(3) encourage the orderly production of available

1 mineral resources.

2       (c) A person commits an offense if the person violates an  
3 order adopted under this section and the order defines the  
4 violation as an offense. An offense under this section is  
5 prosecuted in the same manner as an offense defined under state law.

6       (d) The county attorney or an attorney representing the  
7 county may file an action in district court to enjoin a violation or  
8 threatened violation of an order adopted under this section. The  
9 court may grant appropriate relief.

10       SECTION 2. This Act takes effect immediately if it receives  
11 a vote of two-thirds of all the members elected to each house, as  
12 provided by Section 39, Article III, Texas Constitution. If this  
13 Act does not receive the vote necessary for immediate effect, this  
14 Act takes effect September 1, 2009.