(3) recommendations of actions the department should take to eliminate the obstacles described by Subdivision (2) of this subsection; and

(4) any legislative recommendations that would improve the foster care system.

SECTION 2. Not later than December 1, 2009, the executive commissioner of the Health and Human Services Commission and the governor shall appoint the members of the adoption review committee and the adoption review committee shall begin performing its duties as provided by this Act.

SECTION 3. The adoption review committee is abolished and this Act expires September 1, 2011.

SECTION 4. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2009.

Passed by the House on April 28, 2009: Yeas 147, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 2225 on May 25, 2009: Yeas 145, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.


CHAPTER 441

H.B. No. 2237

AN ACT

relating to possession by certain alcoholic beverage permit holders of certain alcoholic beverages for cooking purposes.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 25.09, Alcoholic Beverage Code, is amended to read as follows:

Sec. 25.09. POSSESSION OF CERTAIN BEVERAGES PROHIBITED. (a) Except as provided by this section, a wine and beer retailer’s permittee or an officer of the permittee[, may not possess distilled spirits or liquor containing alcohol in excess of 17 percent by volume on the licensed premises.

(b) The commission by rule may allow a wine and beer retailer’s permittee or the permittee’s officer to possess and use alcoholic beverages in excess of 17 percent by volume on the licensed premises for cooking purposes.

SECTION 2. Section 28.06, Alcoholic Beverage Code, is amended by adding Subsection (e) to read as follows:

(e) The commission by rule may allow the holder of a mixed beverage permit or an officer, agent, or employee of the permit holder to possess and use alcoholic beverages that are not covered by an invoice on the permitted premises for cooking purposes.

SECTION 3. This Act takes effect September 1, 2009.

Passed by the House on March 31, 2009: Yeas 147, Nays 0, 2 present, not voting; passed by the Senate on May 26, 2009: Yeas 31, Nays 0.

Approved June 19, 2009.

Effective September 1, 2009.
CHAPTER 442

H.B. No. 2259

AN ACT

relating to the plugging of certain inactive oil or gas wells and to standards for electrical power lines serving certain oil and gas facilities.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 89.002(a), Natural Resources Code, is amended by amending Subdivision (7) and adding Subdivisions (9), (10), (11), (12), and (13) to read as follows:

(7) “Delinquent inactive well” means an inactive [unplugged] well [that has had no reported production, disposal, injection, or other permitted activity for a period of greater than 12 months and] for which, after notice and opportunity for a hearing, the commission has not extended the plugging deadline.

(9) “Cost calculation for plugging an inactive well” means the commission’s calculated cost for each foot of well depth plugged based on average actual plugging costs for wells reported by the commission for the preceding state fiscal year for the commission oil and gas division district in which the inactive well is located.

(10) “Enhanced oil recovery project”:

(A) means:

(i) a commission-approved project that uses any process for the displacement of oil or other hydrocarbons from a reservoir other than primary recovery and includes the use of an immiscible, miscible, chemical, thermal, or biological process;

(ii) a certified project described by Section 202.054, Tax Code; or

(iii) any other project approved by the commission for enhanced oil recovery; and

(B) does not include a water disposal project.

(11) “Good faith claim” means a factually supported claim based on a recognized legal theory to a continuing possessory right in a mineral estate, such as evidence of a currently valid oil and gas lease or a recorded deed conveying a fee interest in the mineral estate.

(12) “Inactive well” means an unplugged well that has had no reported production, disposal, injection, or other permitted activity for a period of greater than 12 months.

(13) “Physically terminated electric service to the well’s production site” means that electric service to an inactive well site has been disconnected at a point on the electric service lines most distant from the production site toward the main supply line in a manner that will not interfere with electrical supply to adjacent operations, including cathodic protection units.

SECTION 2. Chapter 89, Natural Resources Code, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. PLUGGING OF CERTAIN INACTIVE WELLS

Sec. 89.021. APPLICABILITY. This subchapter does not apply to a bay or offshore well as defined by commission rules.

Sec. 89.022. PLUGGING OF INACTIVE WELLS REQUIRED. (a) Except as provided by Section 89.022, on or before the date the operator is required to renew the operator’s organization report required by Section 91.142, an operator of an inactive well must plug the well in accordance with statutes and commission rules in effect at the time of plugging.

(b) Notwithstanding Subsection (a), a person who assumes responsibility for the physical operation and control of an existing inactive well must satisfy the requirements of Sections 89.023(a)(1) and (4) not later than six months after the date the commission approves the initial form described by Section 89.023(a)(2) and filed with the commission under which the person assumes responsibility for the well.

(c) The commission may not renew or approve the organization report required by Section 91.142 for an operator that fails to comply with the requirements of this subchapter.

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