

BILL ANALYSIS

Senate Research Center
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S.B. 2402
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Natural Resources
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The genesis of this legislation came as a result of a site visit at the request of a group of concerned constituents to see how gas drilling had impacted their neighborhood. For example, a pad site was placed less than 250 feet from one of the homes, and the constituent could not understand why the commissioners court had no authority to prevent the operator from drilling so close to her home. Further investigation and discussions revealed that the Tarrant County Commissioners Court lacked authority over gas drilling.

Currently, the county has no authority to regulate land use with respect to gas drilling, i.e., no ability to control location as it impacts homes, churches, schools, and no control over noise, et cetera. This legislation would enable the county to enact regulations for public safety and quality of life in unincorporated area within Tarrant County.

As proposed, S.B. 2402 authorizes the county commissioners court of certain counties to create ordinances to regulate the many facets of gas drilling related to the exploration for the production of natural gas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 240, Local Government Code, by adding Section 240.910, as follows:

Sec. 240.910. REGULATION OF EXPLORATION FOR AND DEVELOPMENT AND PRODUCTION OF NATURAL GAS IN CERTAIN COUNTIES. (a) Provides that 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) Authorizes the commissioners court of a county subject to this section, to protect public health, safety, or welfare, by order, to 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 minimize the potential impact to surface owners and mineral rights owners, protect the quality of the environment, and encourage the orderly production of available mineral resources.

(c) Provides that a person commits an offense if the person violates an order adopted under this section and the order defines the violation as an offense. Provides that an offense under this section is prosecuted in the same manner as an offense defined under state law.

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

SECTION 2. Effective date: upon passage or September 1, 2009.