

1 AN ACT

2 relating to notice to a surface owner by an oil or gas well operator
3 of the issuance of a permit for certain oil and gas operations.

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

5 SECTION 1. Chapter 91, Natural Resources Code, is amended
6 by adding Subchapter P to read as follows:

7 SUBCHAPTER P. NOTICE OF PERMIT FOR CERTAIN OIL AND GAS OPERATIONS

8 Sec. 91.701. DEFINITION. In this subchapter, "surface
9 owner" means the first person who is shown on the appraisal roll of
10 the appraisal district established for the county in which a tract
11 of land is located as owning an interest in the surface estate of
12 the land at the time notice is required to be given under this
13 subchapter.

14 Sec. 91.702. APPLICABILITY. This subchapter applies only
15 to the drilling of a new oil or gas well or the reentry of a plugged
16 and abandoned oil or gas well. This subchapter does not apply to:

17 (1) the plugging back, reworking, sidetracking, or
18 deepening of an existing oil or gas well that has not been plugged
19 and abandoned; or

20 (2) the use of a surface location that is the site of
21 an existing oil or gas well that has not been plugged and abandoned
22 to drill a horizontal oil or gas well.

23 Sec. 91.703. NOTICE REQUIRED. (a) Not later than the 15th
24 business day after the date the commission issues an oil or gas well

1 operator a permit to drill a new oil or gas well or to reenter a
2 plugged and abandoned oil or gas well, the operator shall give
3 written notice of the issuance of the permit to the surface owner of
4 the tract of land on which the well is located or is proposed to be
5 located.

6 (b) An oil or gas well operator is not required to give
7 notice under this subchapter to a surface owner if:

8 (1) the operator and the surface owner have entered
9 into an agreement that contains alternative provisions regarding
10 the operator's obligation to give notice of oil and gas operations;
11 or

12 (2) the surface owner has waived in writing the owner's
13 right to notice under this subchapter.

14 Sec. 91.704. ADDRESS FOR NOTICE. The notice must be given
15 to the surface owner at the surface owner's address as shown by the
16 records of the county tax assessor-collector at the time the notice
17 is given.

18 Sec. 91.705. COMMISSION PERMITS AND RIGHTS OF OWNER OF
19 MINERAL ESTATE NOT AFFECTED. (a) This subchapter does not affect
20 the status of any rule of law to the effect that the mineral estate
21 in land is dominant over the surface estate.

22 (b) Failure to give notice as required by this subchapter
23 does not restrict, limit, work as a forfeiture of, or terminate any
24 existing or future permit issued by the commission or right to
25 develop the mineral estate in land.

26 SECTION 2. The change in law made by this Act applies only
27 to oil and gas operations for which a permit is issued on or after

1 October 1, 2007. Oil and gas operations for which a permit is
2 issued before October 1, 2007, are governed by the law as it existed
3 immediately before the effective date of this Act, and that law is
4 continued in effect for that purpose.

5 SECTION 3. This Act takes effect September 1, 2007.

David Dewhurst

President of the Senate

Jim Caddick

Speaker of the House

I certify that H.B. No. 630 was passed by the House on April 13, 2007, by the following vote: Yeas 143, Nays 0, 2 present, not voting.

Robert Honey
Chief Clerk of the House

I certify that H.B. No. 630 was passed by the Senate on May 8, 2007, by the following vote: Yeas 31, Nays 0.

Patsy Sew
Secretary of the Senate

APPROVED: 25 MAY 07

Date

RICK PERRY

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
10:00 PM O'CLOCK

MAY 25 2007

Roger Winnie