

CHAPTER 274

S.B. No. 10

AN ACT

relating to the subdivision and use of mineral-bearing land.

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

SECTION 1. Section 92.002, Natural Resources Code, is amended by amending Subdivision (3) and adding Subdivision (4) to read as follows:

(3) "Qualified subdivision" means a tract of land of not more than 640 [160] acres:

(A) that is located in a county having a population in excess of 400,000, or in a county having a population in excess of 140,000 that borders a county having a population in excess of 400,000 or located on a barrier island;

(B) that has been subdivided in a manner authorized by law by the surface owners for residential, commercial, or industrial use; and

(C) that contains an [two or more] operations site for each separate 80 acres within the 640-acre tract [sites] and provisions for road and pipeline easements to allow use of the operations site [sites].

(4) "Barrier island" means an island bordering on the Gulf of Mexico and entirely surrounded by water.

SECTION 2. Subsection (b), Section 92.004, Natural Resources Code, is amended to read as follows:

(b) The railroad commission shall, on notice to the applicant and owners of possessory mineral interests, hold a hearing on the application at which the commission shall consider the adequacy of the number and location of operations sites and road and pipeline easements. At the hearing on the application, evidence may be presented by the applicant and the owners of possessory mineral interests. After considering the evidence, the commission shall [may] approve, reject, or amend the application to ensure that the mineral resources of the subdivision are fully and effectively exploited. The applicant or the owner of the possessory mineral interest may appeal the order of the railroad commission as provided by law.

SECTION 3. Subsection (b), Section 92.005, Natural Resources Code, is amended to read as follows:

(b) The owner of the possessory mineral interest may drill wells or extend well bores from an operations site or from a site outside of the qualified subdivision under the surface of other parts of the qualified subdivision if the operations do not *unreasonably* interfere with the use of the surface of the qualified subdivision outside the operations site.

SECTION 4. Section 92.006, Natural Resources Code, is amended to read as follows:

Sec. 92.006. AMENDMENT, REPLAT, OR ABANDONMENT. All or any portion of a qualified subdivision may be amended, replatted, or abandoned by the surface owner. An amendment or replat, however, may not alter, [or] diminish, or *impair the usefulness of* an operations site or appurtenant road or pipeline easement unless the amendment or replat is approved by the commission in accordance with Section 92.003 of this code.

SECTION 5. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on March 16, 1987, by the following vote: Yeas 27, Nays 0. Passed the House on May 21, 1987, by the following vote: Yeas 138, Nays 1, three present not voting.

Approved June 11, 1987.

Effective June 11, 1987.