

By: Birdwell
(Dyson, Darby)

S.B. No. 1759

Substitute the following for S.B. No. 1759:

By: Darby

C.S.S.B. No. 1759

A BILL TO BE ENTITLED

AN ACT

relating to the declaration of an oil or gas emergency by the Railroad Commission of Texas and the liability of a person for assistance, advice, or resources provided in relation to an oil or gas emergency.

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

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

SUBCHAPTER U. OIL OR GAS EMERGENCIES

Sec. 91.951. DEFINITION. In this subchapter, "oil or gas emergency" means an emergency related to an oil and gas operation, as defined by Section 81.0523, including the uncontrolled release of oil, gas, or produced water from an oil or gas well or other type of well regulated by the commission.

Sec. 91.952. EMERGENCY DECLARATION. (a) The executive director of the commission by proclamation may declare an oil or gas emergency if the executive director finds that an oil or gas emergency has occurred. A proclamation issued under this section must:

(1) be in writing;

(2) be authorized by the executive director; and

(3) include:

(A) a description of the nature of the oil or gas emergency; and

1 (B) a designation of the area threatened by the
2 oil or gas emergency.

3 (b) An emergency proclamation issued under Subsection (a)
4 may not continue for more than 30 days unless renewed as provided by
5 this subsection. The executive director of the commission may
6 renew a proclamation in the same manner as the executive director
7 may issue a proclamation under Subsection (a) for an additional 30
8 days. If the commission determines that the emergency is likely to
9 continue beyond the 60th day after the date the emergency was
10 declared under Subsection (a), the commission may renew the
11 proclamation for additional 60-day periods as necessary for public
12 health and safety until the emergency no longer exists.

13 (c) If the commission determines that an oil or gas
14 emergency no longer exists, the commission may terminate the
15 proclamation issued under Subsection (a) or allow the proclamation
16 to expire.

17 Sec. 91.953. EMERGENCY ASSISTANCE. (a) Except in the case
18 of gross negligence, recklessness, or intentional misconduct, a
19 person is immune from civil liability for an act or omission that
20 occurs in giving assistance, advice, or resources, including the
21 use of the person's assets, employees, or contractors, with respect
22 to the response to an oil or gas emergency:

23 (1) that is declared under Section 91.952; and
24 (2) in which the assistance, advice, or resources are
25 provided at the request of an authorized representative of a state,
26 local, or federal agency.

27 (b) The immunities provided by this section are in addition

1 to any other immunity or limitations of liability provided by law.

2 SECTION 2. Subchapter U, Chapter 91, Natural Resources
3 Code, as added by this Act, does not apply to a cause of action that
4 accrued before the effective date of this Act.

5 SECTION 3. This Act takes effect September 1, 2025.