

BILL ANALYSIS

Senate Research Center

S.B. 619
By: Armbrister
Natural Resources
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Enrolled

DIGEST AND PURPOSE

The Oil Spill Prevention and Response Act (OSPRE) requires the General Land Office (GLO) to convene a cooperative council, but the GLO has failed to convene such council. The GLO administers a mature oil spill prevention and response program, and according to some, a cooperative council is not necessary to coordinate prevention, response, and cleanup operations. S.B. 619 provides for the consolidation of all spill cleanup duties to GLO. The bill allows GLO to assume the responsibilities, including that of the Railroad Commission jurisdiction over coastal spills from exploration and production facilities of 240 barrels or less. S.B. 619 also pertains to the Coastal Protection Fund and other minor provisions.

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 Section 40.002(c), Natural Resources Code, to delete text stating that the legislature intends by this chapter to exercise the police power of the state to protect its coastal waters and adjacent shorelines by conferring upon the commissioner of the General Land Office (land commissioner) the power to provide for development of a state coastal discharge contingency plan through planning and coordination with the Texas Natural Resources Conservation Commission, to protect coastal waters from all types of spills and discharges.

SECTION 2. Amends Sections 40.003(13), (17), and (22), Natural Resources Code, to redefine "hazardous substance," "oil," and "response costs."

SECTION 3. Amends Section 40.005, Natural Resources Code, as follows:

Sec. 40.005. ADMINISTRATION OF HAZARDOUS SUBSTANCE SPILL RESPONSE AND CLEANUP. Provides that the GLO, under the direction and control of the land commissioner, is the state's lead agency for initiating response to all actual or threatened unauthorized discharges of oil. Provides that in the event of an unauthorized discharge of a hazardous substance, nothing in this chapter shall preclude the Texas Commission on Environmental Quality (TCEQ), rather than the Texas Natural Resources Conservation Commission (TNRCC), from at the earliest time practicable assuming response and cleanup duties pursuant to Chapter 26G, Water Code.

SECTION 4. Amends Section 40.052, Natural Resources Code, as follows:

Sec. 40.052. HAZARDOUS SUBSTANCES DISCHARGES. Makes nonsubstantive changes and a conforming change.

SECTION 5. Amends Section 40.101(c), Natural Resources Code, to make a conforming change.

SECTION 6. Amends Section 40.103(b), Natural Resources Code, to delete text stating that prior approval for compensation may be provided for in the state coastal discharge contingency

plan.

SECTION 7. Amends Section 40.104, Natural Resources Code, as follows:

Sec. 40.104. QUALIFIED IMMUNITY FOR RESPONSE ACTIONS. (a) Makes a conforming change.

(b) Makes a conforming change.

SECTION 8. Amends Section 40.107(a)(1), Natural Resources Code, to make a conforming change.

SECTION 9. Amends Sections 40.107(c)(1) and (4), Natural Resources Code, to make conforming changes.

SECTION 10. Amends Section 40.116, Natural Resources Code, as follows:

Sec. 40.116. AUDITS, INSPECTIONS, and DRILLS. Deletes text stating that the land commissioner may subject a vessel subject to Section 40.114 of this code, as a condition to being granted entry into any port in this state, to announced or unannounced audit, inspection, or drill.

SECTION 11. Amends Section 40.151(b), Natural Resources Code, to require the coastal protection fund to be credited all fees, penalties, judgments, reimbursements, interest or income on the fund, and charges provided for in this chapter and the fee revenues levied, collected, and credited pursuant to this chapter.

SECTION 12. Amends Section 40.152(a), Natural Resources Code, to delete text stating that money in the fund may be disbursed for an inventory under Section 40.107, to be completed by September 1, 1995, in an amount not to exceed \$6 million. Adds text authorizing money to be disbursed, in conjunction with the Railroad Commission of Texas, for costs related to the plugging of abandoned or orphaned oil wells located on state-owned submerged lands.

SECTION 13. Amends Section 40.254(g)(3), Natural Resources Code, to authorize the land commissioner, on failure of the person to comply with the order or file a petition for judicial review, to refer the matter to the attorney general for collection and enforcement.

SECTION 14. Amends Section 40.254(h)(1), Natural Resources Code, to require the land commissioner, if a penalty is reduced or not assessed, to remit to the person charged the appropriate amount of any penalty payment plus accrued interest.

SECTION 15. Amends Sections 40.258(a)(1), (2), and (3), Natural Resources Code, to make conforming changes.

SECTION 16. Repealer: Sections 40.006 (Interagency Council), 40.053 (State Coastal Discharge Contingency Plan), 40.110(f) (General Terms), 40.115 (Entry into Port), 40.117(b) (Regulations), 40.151(e) (Coastal Protection Fund), 40.254(g)(2) (Orders and Hearings), and 40.303 (Oil Spill Oversight Council), Natural Resources Code.

SECTION 17. Effective date: September 1, 2003.