

By: Capelo, West, Jones of Bexar, Canales,
Chisum

H.B. No. 1931

A BILL TO BE ENTITLED

1 AN ACT

2 relating to pipeline safety emergency response plans and the repeal
3 of the requirements governing notification of pipeline
4 construction and operation.

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

6 SECTION 1. Section 117.012, Natural Resources Code, is
7 amended by amending Subsections (h), (i), and (k) and adding
8 Subsections (l) and (m) to read as follows:

9 (h) The commission shall require operators or their
10 designated representatives to communicate and conduct liaison
11 activities with fire, police, and other appropriate public
12 emergency response officials. The liaison activities must be
13 conducted by meetings in person except as provided by this section.
14 An operator or the operator's representative may conduct required
15 community liaison activities as provided by Subsection (i) only if
16 the operator or the operator's representative has made an effort,
17 by one of the following methods, [~~the following efforts~~] to conduct
18 a community liaison meeting in person with the officials:

19 (1) mailing a written request for a meeting in person
20 to the appropriate officials by certified mail, return receipt
21 requested;

22 (2) sending a request for a meeting in person to the
23 appropriate officials by facsimile transmission; or [~~and~~]

24 (3) making one or more telephone calls or e-mail

1 message transmissions to the appropriate officials to request a
2 meeting in person.

3 (i) If the operator or operator's representative cannot
4 arrange a meeting in person after complying with Subsection (h),
5 the operator or the operator's representative shall make an effort,
6 by one of the following methods, [~~the following efforts~~] to conduct
7 community liaison activities by means of a telephone conference
8 call with the officials:

9 (1) mailing a written request for a telephone
10 conference to the appropriate officials by certified mail, return
11 receipt requested;

12 (2) sending a request for a telephone conference to
13 the appropriate officials by facsimile transmission; or [~~and~~]

14 (3) making one or more telephone calls or e-mail
15 message transmissions to the appropriate officials to request a
16 telephone conference.

17 (k) The commission by rule shall require the owner or
18 operator of each [~~interstate or~~] intrastate hazardous liquid or
19 carbon dioxide pipeline facility any part of which is located
20 within 1,000 feet of a public school building containing
21 classrooms, or within 1,000 feet of another public school facility
22 where students congregate, to:

23 (1) on written request, provide in writing the
24 following parts of a pipeline emergency response plan that are
25 relevant to the school:

26 (A) a description and map of the pipeline
27 facilities that are within 1,000 feet of the school building or

1 facility;

2 (B) a list of any product transported in the
3 segment of the pipeline that is within 1,000 feet of the school
4 facility;

5 (C) the designated emergency number for the
6 pipeline facility operator;

7 (D) information on the state's excavation
8 one-call system; and

9 (E) information on how to recognize, report, and
10 respond to a product release [~~develop an emergency response plan in~~
11 ~~consultation with the fire department in whose jurisdiction the~~
12 ~~school is located or another local emergency response entity]; and~~

13 (2) mail a copy of the requested items by certified
14 mail, return receipt requested, to the superintendent of the school
15 district in which the school building or facility is located
16 [~~present the plan:~~

17 [~~(A) at the first annual budget meeting of the~~
18 ~~board of trustees of the school district in which the school is~~
19 ~~located after the plan is developed; and~~

20 [~~(B) at subsequent annual budget meetings of the~~
21 ~~board of trustees of the school district on the request of the~~
22 ~~board].~~

23 (1) A pipeline operator or the operator's representative
24 shall appear at a regularly scheduled meeting of the school board to
25 explain the items listed in Subsection (k) if requested by the
26 school board.

27 (m) The commission may not require the release of parts of

1 an emergency response plan that include security sensitive
2 information including maps or data. Security sensitive information
3 shall be made available for review by but not provided to the school
4 board.

5 SECTION 2. Section 81.056, Natural Resources Code, is
6 repealed.

7 SECTION 3. This Act applies to a permit application that is
8 pending with the Railroad Commission of Texas on the effective date
9 of this Act or that is filed with the commission on or after that
10 date.

11 SECTION 4. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2003.