

By: Keffer of Dallas

H.B. No. 2613

A BILL TO BE ENTITLED

1 AN ACT

2 relating to liens on stored hydrocarbons at sites and facilities  
3 that have not been timely cleaned up.

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

5 SECTION 1. The heading to Section 91.115, Natural Resources  
6 Code, is amended to read as follows:

7 Sec. 91.115. FIRST LIEN ON EQUIPMENT AND STORED  
8 HYDROCARBONS.

9 SECTION 2. Sections 91.115(a), (e), and (f), Natural  
10 Resources Code, are amended to read as follows:

11 (a) If a responsible person fails to clean up a site or  
12 facility that has ceased oil and gas operations under the  
13 commission's jurisdiction on or before the date the site or  
14 facility is required to be cleaned up by law or by a rule adopted or  
15 order issued by the commission, the state has a first lien, superior  
16 to all preexisting and subsequent liens and security interests, on  
17 the responsible person's interest in any hydrocarbons stored at the  
18 site or facility and in any equipment that is:

19 (1) located at the site or facility; and

20 (2) used by the responsible person in connection with  
21 the activity that generated the pollution.

22 (e) The lien is extinguished as to any stored hydrocarbons  
23 or items [~~item~~] of equipment that are [~~is~~] lawfully removed by any  
24 person other than the operator or a nonoperator according to a lien,

1 lease, judgment, written contract, or security agreement before the  
2 commission enters into a cleanup contract. An item of equipment may  
3 not be removed from an abandoned site or facility if the removal  
4 will cause the release of a substance that may cause pollution  
5 unless the substance is lawfully disposed of.

6 (f) Equipment or stored hydrocarbons subject to a lien under  
7 this section are [~~is~~] presumed to have been abandoned on the date  
8 the commission enters into a contract to clean up the site or  
9 facility on which the equipment or hydrocarbons are [~~is~~] located.  
10 The commission may dispose of the equipment or stored hydrocarbons  
11 in accordance with the provisions of Sections 89.085, 89.086, and  
12 89.087 of this code for the disposition of well-site equipment and  
13 hydrocarbons.

14 SECTION 3. (a) This Act takes effect September 1, 2003.

15 (b) The changes in law made by Section 91.115, Natural  
16 Resources Code, as amended by this Act, apply only to an interest in  
17 hydrocarbons stored at a site or facility the date for cleanup of  
18 which required by law or rule or order adopted by the Railroad  
19 Commission of Texas is September 1, 2003, or later.

1  
2  
3  
4  
5  
6  
7

COMMITTEE AMENDMENT NO. 1

Amend H.B. 2613, Section 2 of the bill, page 2, between lines 13 and 14 by adding the following subsection (g):

(g) The lien provided by this section, as it relates to stored hydrocarbons, shall be subject to and inferior to any lien in favor of the State of Texas to secure royalty payments.

Crabb