

1-1 By: Hinojosa S.B. No. 1130
1-2 (In the Senate - Filed March 8, 2005; March 21, 2005, read
1-3 first time and referred to Committee on Natural Resources;
1-4 April 11, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 11, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1130 By: Hinojosa

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to a requirement that a common carrier or pipeline owner or
1-11 operator report contamination.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter C, Chapter 81, Natural Resources
1-14 Code, is amended by adding Section 81.056 to read as follows:

1-15 Sec. 81.056. CONTAMINATION REPORT. (a) In this section:

1-16 (1) "Common carrier" has the meaning assigned by
1-17 Section 111.002.

1-18 (2) "Owner of the land" or "landowner" means the first
1-19 person who is shown on the appraisal roll of the appraisal district
1-20 established for the county in which a tract of land is located as
1-21 owning an interest in the surface estate of the land at the time a
1-22 contamination report is required to be made under this section.

1-23 (b) If in the process of placing, repairing, replacing, or
1-24 maintaining a pipeline a common carrier or an owner or operator of a
1-25 pipeline observes or detects any petroleum-based contamination of
1-26 soil or water in proximity to the pipeline, the common carrier or
1-27 pipeline owner or operator shall report the contamination to the
1-28 commission and the owner of the land on which the pipeline is
1-29 located.

1-30 (c) The contamination report:

1-31 (1) must be made not later than 24 hours after the
1-32 common carrier or pipeline owner or operator observes or detects
1-33 the contamination;

1-34 (2) must include the global positioning satellite
1-35 coordinates of the location of the contamination; and

1-36 (3) may be made by telephone, facsimile, or electronic
1-37 mail.

1-38 (d) After receiving the contamination report, the
1-39 commission shall confirm to the common carrier or pipeline owner or
1-40 operator and the landowner that the commission has received the
1-41 report. The commission shall provide the confirmation by the same
1-42 communication method by which the contamination report was made.

1-43 (e) Not later than the third business day after the date the
1-44 commission receives the contamination report, a person authorized
1-45 by the commission shall withdraw a soil sample from the
1-46 contaminated land. The person is entitled to enter the land for the
1-47 purpose of withdrawing the sample.

1-48 (f) A common carrier or pipeline owner or operator that
1-49 makes a contamination report under this section is released from
1-50 all liability for the contamination or the cleanup of the
1-51 contamination covered by the report, except for any contamination
1-52 caused by the common carrier or pipeline owner or operator.

1-53 (g) The commission shall adopt rules to implement this
1-54 section.

1-55 SECTION 2. Subsection (f), Section 81.056, Natural
1-56 Resources Code, as added by this Act, is an exercise of authority
1-57 under Subsection (c), Section 66, Article III, Texas Constitution,
1-58 and takes effect only if this Act receives a vote of three-fifths of
1-59 all the members elected to each house, as provided by Subsection (e)
1-60 of that section.

1-61 SECTION 3. This Act takes effect September 1, 2005.

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