

1-1 By: Farabee, et al. (Senate Sponsor - Averitt) H.B. No. 1967  
1-2 (In the Senate - Received from the House March 28, 2007;  
1-3 April 3, 2007, read first time and referred to Committee on Natural  
1-4 Resources; April 11, 2007, reported favorably by the following  
1-5 vote: Yeas 11, Nays 0; April 11, 2007, sent to printer.)

1-6 A BILL TO BE ENTITLED  
1-7 AN ACT

1-8 relating to the regulation as common carriers of certain owners,  
1-9 operators, or managers of pipelines for the transportation of  
1-10 feedstock for carbon gasification, the products of carbon  
1-11 gasification, or the derivative products of carbon gasification.

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

1-13 SECTION 1. Section 111.002, Natural Resources Code, is  
1-14 amended to read as follows:

1-15 Sec. 111.002. COMMON CARRIERS UNDER CHAPTER. A person is a  
1-16 common carrier subject to the provisions of this chapter if it:

1-17 (1) owns, operates, or manages a pipeline or any part  
1-18 of a pipeline in the State of Texas for the transportation of crude  
1-19 petroleum to or for the public for hire, or engages in the business  
1-20 of transporting crude petroleum by pipeline;

1-21 (2) owns, operates, or manages a pipeline or any part  
1-22 of a pipeline in the State of Texas for the transportation of crude  
1-23 petroleum to or for the public for hire and the pipeline is  
1-24 constructed or maintained on, over, or under a public road or  
1-25 highway, or is an entity in favor of whom the right of eminent  
1-26 domain exists;

1-27 (3) owns, operates, or manages a pipeline or any part  
1-28 of a pipeline in the State of Texas for the transportation of crude  
1-29 petroleum to or for the public for hire which is or may be  
1-30 constructed, operated, or maintained across, on, along, over, or  
1-31 under the right-of-way of a railroad, corporation, or other common  
1-32 carrier required by law to transport crude petroleum as a common  
1-33 carrier;

1-34 (4) under lease, contract of purchase, agreement to  
1-35 buy or sell, or other agreement or arrangement of any kind, owns,  
1-36 operates, manages, or participates in ownership, operation, or  
1-37 management of a pipeline or part of a pipeline in the State of Texas  
1-38 for the transportation of crude petroleum, bought of others, from  
1-39 an oil field or place of production within this state to any  
1-40 distributing, refining, or marketing center or reshipping point  
1-41 within this state;

1-42 (5) owns, operates, or manages, wholly or partially,  
1-43 pipelines for the transportation for hire of coal in whatever form  
1-44 or of any mixture of substances including coal in whatever form;  
1-45 [~~or~~]

1-46 (6) owns, operates, or manages, wholly or partially,  
1-47 pipelines for the transportation of carbon dioxide or hydrogen in  
1-48 whatever form to or for the public for hire, but only if such person  
1-49 files with the commission a written acceptance of the provisions of  
1-50 this chapter expressly agreeing that, in consideration of the  
1-51 rights acquired, it becomes a common carrier subject to the duties  
1-52 and obligations conferred or imposed by this chapter; or

1-53 (7) owns, operates, or manages a pipeline or any part  
1-54 of a pipeline in the State of Texas for the transportation of  
1-55 feedstock for carbon gasification, the products of carbon  
1-56 gasification, or the derivative products of carbon gasification, in  
1-57 whatever form, to or for the public for hire, but only if the person  
1-58 files with the commission a written acceptance of the provisions of  
1-59 this chapter expressly agreeing that, in consideration of the  
1-60 rights acquired, it becomes a common carrier subject to the duties  
1-61 and obligations conferred or imposed by this chapter.

1-62 SECTION 2. Section 111.013, Natural Resources Code, is  
1-63 amended to read as follows:

1-64 Sec. 111.013. CONTROL OF PIPELINES. A pipeline subject to

2-1 the provisions of this chapter not exempt under Section 111.003 [~~of~~  
2-2 ~~this code~~], which is used in connection with the business of  
2-3 purchasing or purchasing and selling crude petroleum, or in the  
2-4 business of transporting coal, carbon dioxide, [~~or~~] hydrogen,  
2-5 feedstock for carbon gasification, the products of carbon  
2-6 gasification, or the derivative products of carbon gasification in  
2-7 whatever form by pipeline for hire in Texas, shall be operated as a  
2-8 common carrier and shall be subject to the jurisdiction of the  
2-9 commission.

2-10 SECTION 3. This Act takes effect September 1, 2007.

2-11 \* \* \* \* \*