

By: Averitt

S.B. No. 1026

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the regulation as common carriers of certain owners,
3 operators, or managers of pipelines for the transportation of
4 feedstock for carbon gasification, the products of carbon
5 gasification, or the derivative products of carbon gasification.

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

7 SECTION 1. Section 111.002, Natural Resources Code, is
8 amended to read as follows:

9 Sec. 111.002. COMMON CARRIERS UNDER CHAPTER. A person is a
10 common carrier subject to the provisions of this chapter if it:

11 (1) owns, operates, or manages a pipeline or any part
12 of a pipeline in the State of Texas for the transportation of crude
13 petroleum to or for the public for hire, or engages in the business
14 of transporting crude petroleum by pipeline;

15 (2) owns, operates, or manages a pipeline or any part
16 of a pipeline in the State of Texas for the transportation of crude
17 petroleum to or for the public for hire and the pipeline is
18 constructed or maintained on, over, or under a public road or
19 highway, or is an entity in favor of whom the right of eminent
20 domain exists;

21 (3) owns, operates, or manages a pipeline or any part
22 of a pipeline in the State of Texas for the transportation of crude
23 petroleum to or for the public for hire which is or may be
24 constructed, operated, or maintained across, on, along, over, or

1 under the right-of-way of a railroad, corporation, or other common
2 carrier required by law to transport crude petroleum as a common
3 carrier;

4 (4) under lease, contract of purchase, agreement to
5 buy or sell, or other agreement or arrangement of any kind, owns,
6 operates, manages, or participates in ownership, operation, or
7 management of a pipeline or part of a pipeline in the State of Texas
8 for the transportation of crude petroleum, bought of others, from
9 an oil field or place of production within this state to any
10 distributing, refining, or marketing center or reshipping point
11 within this state;

12 (5) owns, operates, or manages, wholly or partially,
13 pipelines for the transportation for hire of coal in whatever form
14 or of any mixture of substances including coal in whatever form;
15 [~~or~~]

16 (6) owns, operates, or manages, wholly or partially,
17 pipelines for the transportation of carbon dioxide or hydrogen in
18 whatever form to or for the public for hire, but only if such person
19 files with the commission a written acceptance of the provisions of
20 this chapter expressly agreeing that, in consideration of the
21 rights acquired, it becomes a common carrier subject to the duties
22 and obligations conferred or imposed by this chapter; or

23 (7) owns, operates, or manages a pipeline or any part
24 of a pipeline in the State of Texas for the transportation of
25 feedstock for carbon gasification, the products of carbon
26 gasification, or the derivative products of carbon gasification, in
27 whatever form, to or for the public for hire, but only if the person

1 files with the commission a written acceptance of the provisions of
2 this chapter expressly agreeing that, in consideration of the
3 rights acquired, it becomes a common carrier subject to the duties
4 and obligations conferred or imposed by this chapter.

5 SECTION 2. Section 111.013, Natural Resources Code, is
6 amended to read as follows:

7 Sec. 111.013. CONTROL OF PIPELINES. A pipeline subject to
8 the provisions of this chapter not exempt under Section 111.003 [~~of~~
9 ~~this code~~], which is used in connection with the business of
10 purchasing or purchasing and selling crude petroleum, or in the
11 business of transporting coal, carbon dioxide, [~~or~~] hydrogen,
12 feedstock for carbon gasification, the products of carbon
13 gasification, or the derivative products of carbon gasification in
14 whatever form by pipeline for hire in Texas, shall be operated as a
15 common carrier and shall be subject to the jurisdiction of the
16 commission.

17 SECTION 3. This Act takes effect September 1, 2007.