

1-1 By: Hinojosa S.B. No. 1592  
1-2 (In the Senate - Filed March 8, 2007; March 21, 2007, read  
1-3 first time and referred to Committee on Natural Resources;  
1-4 April 16, 2007, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 11, Nays 0; April 16, 2007,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1592 By: Averitt

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

1-10 relating to the requirements regarding reporting by a common  
1-11 carrier or pipeline owner or operator of contamination.

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

1-13 SECTION 1. Subdivision (2), Subsection (a), Section 81.056,  
1-14 Natural Resources Code, is amended to read as follows:

1-15 (2) "Owner of the land" [~~or "landowner"~~] means a [~~the~~  
1-16 ~~first~~] person who owns [~~is shown on the appraisal roll of the~~  
1-17 ~~appraisal district established for the county in which a tract of~~  
1-18 ~~land is located as owning~~] an interest in the surface estate of a  
1-19 tract of [~~the~~] land at the time a contamination report is required  
1-20 to be made under this section.

1-21 SECTION 2. Section 81.056, Natural Resources Code, is  
1-22 amended by adding Subsections (a-1), (a-2), (c-1), and (c-2) and  
1-23 amending Subsections (b) and (d) to read as follows:

1-24 (a-1) This section does not apply to contamination that is  
1-25 in proximity to:

1-26 (1) a gathering line; or

1-27 (2) a pipeline that is located entirely within a tract  
1-28 that is subject to an oil or gas lease.

1-29 (a-2) A common carrier or an owner or operator of a pipeline  
1-30 is required to report contamination under Subsection (b) unless the  
1-31 common carrier or pipeline owner or operator is required to report  
1-32 the contamination under another statute or under a commission rule  
1-33 adopted under another statute. If the common carrier or pipeline  
1-34 owner or operator is required to report the contamination under  
1-35 another statute or under a commission rule adopted under another  
1-36 statute, the common carrier or pipeline owner or operator is not  
1-37 required to report the contamination under Subsection (b).

1-38 (b) If in the process of placing, repairing, replacing, or  
1-39 maintaining a pipeline a common carrier or an owner or operator of a  
1-40 pipeline observes or detects any subsurface petroleum-based  
1-41 contamination of soil or water in proximity to the pipeline, the  
1-42 common carrier or pipeline owner or operator shall report the  
1-43 contamination to the commission and to an [~~the~~] owner of the land on  
1-44 which the pipeline is located or an occupant of the land. If the  
1-45 common carrier or pipeline owner or operator does not know the  
1-46 identity of an owner of the land, the common carrier or pipeline  
1-47 owner or operator may satisfy the requirement to report the  
1-48 contamination to an owner of the land or an occupant of the land by  
1-49 reporting the contamination to the first person who is shown on the  
1-50 appraisal roll of the appraisal district established for the county  
1-51 in which the land is located as owning an interest in the surface  
1-52 estate of the land at the time the report is required to be made.  
1-53 Petroleum-based contamination of soil or water that is observed or  
1-54 detected is required to be reported under this subsection if:

1-55 (1) hydrocarbons are present on the surface of the  
1-56 water;

1-57 (2) at least five linear yards of soil have been  
1-58 affected by hydrocarbons; or

1-59 (3) soil affected by hydrocarbons extends beyond the  
1-60 face of the excavation in which the contamination is observed or  
1-61 detected.

1-62 (c-1) Notwithstanding Subsection (c)(1), if the deadline  
1-63 for making the contamination report falls on a Saturday, Sunday,

2-1 legal holiday, or day on which the appraisal roll of the appraisal  
2-2 district established for the county in which the tract of land is  
2-3 located is not available to the public, the deadline for making the  
2-4 report is extended to the same time on the first day that is not such  
2-5 a day.

2-6 (c-2) Notwithstanding Subsection (c), the contamination  
2-7 report to an owner of the land or an occupant of the land may be made  
2-8 by first class mail if the common carrier or pipeline owner or  
2-9 operator does not know the telephone number, facsimile number, or  
2-10 electronic mail address of the owner or occupant. The notice must  
2-11 be postmarked not later than the date required by Subsection  
2-12 (c)(1), as extended by Subsection (c-1), if applicable.

2-13 (d) Not later than the third business day after the date the  
2-14 commission receives the contamination report, a person who has  
2-15 entered into an agreement with the commission to collect samples on  
2-16 behalf of [authorized by] the commission shall withdraw a soil  
2-17 sample from the contaminated land. The person is entitled to enter  
2-18 the land for the purpose of withdrawing the sample.

2-19 SECTION 3. Subsection (e), Section 81.056, Natural  
2-20 Resources Code, as added by Chapter 339, Acts of the 79th  
2-21 Legislature, Regular Session, 2005, is reenacted to read as  
2-22 follows:

2-23 (e) A common carrier or pipeline owner or operator that  
2-24 makes a contamination report under this section is released from  
2-25 all liability for the contamination or the cleanup of the  
2-26 contamination covered by the report, except for any contamination  
2-27 caused by the common carrier or pipeline owner or operator.

2-28 SECTION 4. Subsection (g), Section 81.056, Natural  
2-29 Resources Code, is repealed.

2-30 SECTION 5. The changes in law made by this Act apply only to  
2-31 contamination that a common carrier or an owner or operator of a  
2-32 pipeline observes or detects on or after the effective date of this  
2-33 Act. Contamination that a common carrier or an owner or operator of  
2-34 a pipeline observes or detects before the effective date of this Act  
2-35 is governed by the law as it existed immediately before the  
2-36 effective date of this Act, and that law is continued in effect for  
2-37 that purpose.

2-38 SECTION 6. Subsection (e), Section 81.056, Natural  
2-39 Resources Code, as reenacted by this Act, is an exercise of  
2-40 authority under Subsection (c), Section 66, Article III, Texas  
2-41 Constitution, and takes effect only if this Act receives a vote of  
2-42 three-fifths of all the members elected to each house, as provided  
2-43 by Subsection (e) of that section.

2-44 SECTION 7. This Act takes effect September 1, 2007.

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