

By: Hilderbran

H.B. No. 472

A BILL TO BE ENTITLED

AN ACT

relating to the effect and implementation of the law regarding reporting by a common carrier or pipeline owner or operator of contamination.

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

SECTION 1. Section 81.056(e), Natural Resources Code, as added by Chapter 339 (S.B. 1130), Acts of the 79th Legislature, Regular Session, 2005, is reenacted to read as follows:

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

SECTION 2. Section 81.056(g), Natural Resources Code, is amended to read as follows:

(g) The commission may ~~not~~ use money in the oil-field cleanup fund to implement this section. The amount of money in the fund the commission may use for that purpose may not exceed the amount of money in the fund that is derived from fees collected under Section 91.142 from common carriers or owners or operators of pipelines as determined annually by the commission.

SECTION 3. Section 91.112(a), Natural Resources Code, is amended to read as follows:

(a) Money in the fund may be used by the commission or its

1 employees or agents for:

2 (1) conducting a site investigation or environmental
3 assessment to determine:

4 (A) the nature and extent of contamination caused
5 by oil and gas wastes or other substances or materials regulated by
6 the commission under Section 91.101; and

7 (B) the measures that should be taken to control
8 or clean up the wastes, substances, or materials described in
9 Paragraph (A);

10 (2) controlling or cleaning up oil and gas wastes or
11 other substances or materials regulated by the commission under
12 Section 91.101 that are causing or are likely to cause the pollution
13 of surface or subsurface water, consistent with Section 91.113;

14 (3) plugging abandoned wells and administering or
15 enforcing permits, orders, and rules relating to the commission's
16 authority to prevent pollution under this chapter, Chapter 89, or
17 any other law administered or enforced by the commission under
18 Title 3;

19 (4) implementing Subchapter N and enforcing rules,
20 orders, and permits adopted or issued under that subchapter;

21 (5) implementing the voluntary cleanup program under
22 Subchapter O;

23 (6) preparing the report required under Subsection
24 (b);

25 (7) making payments to eligible operators under
26 Section 89.047; ~~and~~

27 (8) making payments to eligible surface estate owners

1 under Section 89.048; and

2 (9) implementing Section 81.056, subject to the
3 limitation provided by Subsection (g) of that section.

4 SECTION 4. The changes in law made by this Act apply only to
5 contamination that a common carrier or an owner or operator of a
6 pipeline observes or detects on or after the effective date of this
7 Act. Contamination that a common carrier or an owner or operator of
8 a pipeline observes or detects before the effective date of this Act
9 is governed by the law as it existed immediately before the
10 effective date of this Act, and that law is continued in effect for
11 that purpose.

12 SECTION 5. Section 81.056(e), Natural Resources Code, as
13 reenacted by this Act, is an exercise of authority under Section
14 66(c), Article III, Texas Constitution, and takes effect only if
15 this Act receives a vote of three-fifths of all the members elected
16 to each house, as provided by Subsection (e) of that section.

17 SECTION 6. This Act takes effect September 1, 2009.