

Amend CSSB 655 (senate committee report) as follows:

(1) Between SECTIONS 48 and 49 of the bill (page 11, between lines 64 and 65), insert the following appropriately numbered SECTIONS and renumber subsequent SECTIONS accordingly:

SECTION _____. Effective January 1, 2012, Section 382.011(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Section 382.042, the [The] commission shall:

(1) administer this chapter;

(2) establish the level of quality to be maintained in the state's air; and

(3) control the quality of the state's air.

SECTION _____. Effective January 1, 2012, Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.042 to read as follows:

Sec. 382.042. JURISDICTION OF TEXAS OIL AND GAS COMMISSION OVER EMISSIONS OF AIR CONTAMINANTS FROM OIL AND GAS EXPLORATION, DEVELOPMENT, AND PRODUCTION. (a) This section is effective on the date that delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas has been transferred to the Texas Oil and Gas Commission and is published in the Texas Register. Not later than the 10th day after the date the executive director receives notice from the United States Environmental Protection Agency of the transfer of delegation of authority, the executive director shall provide the secretary of state with a copy of the notice for publication in the Texas Register.

(b) The Texas Oil and Gas Commission is the successor agency for all powers and duties under this chapter related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas previously under the jurisdiction of the commission.

(c) A reference in law to the commission relating to a power or duty described by Subsection (a) means the Texas Oil and Gas Commission.

(2) Add the following appropriately numbered SECTIONS to

the bill and renumber subsequent SECTIONS accordingly:

SECTION _____. Section 81.051, Natural Resources Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

(c) The commission is the state's lead agency for the regulation of oil and gas development in this state. It is the intent of the legislature that the commission seek authorization for and be authorized to administer any federal law related to the exploration for and development and production of oil or gas in this state by delegation of that authority or other means.

(d) If the federal entity responsible for a delegation of authority under Subsection (c) does not timely respond to a commission request for the delegation, the attorney general shall institute an appropriate legal action seeking the delegation of authority to and for the commission.

(e) The commission shall comply with applicable federal requirements to submit for review and approval any rules or program revisions adopted by the commission under a federal law after authority is delegated to the commission to administer the federal law in this state.

SECTION _____. (a) The Texas Commission on Environmental Quality shall seek from the United States Environmental Protection Agency the transfer to the Texas Oil and Gas Commission of delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(b) If the United States Environmental Protection Agency does not timely respond to the request under Subsection (a) of this section for the transfer of delegation or rejects the request, the attorney general shall institute an appropriate legal action seeking the transfer to the Texas Oil and Gas Commission of delegation of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

SECTION _____. (a) In this section:

(1) "Commission on environmental quality" means the

Texas Commission on Environmental Quality.

(2) "Oil and gas commission" means the Texas Oil and Gas Commission.

(b) On the 120th day after the effective date of Section 382.042, Health and Safety Code, as added by this Act, the following are transferred to the oil and gas commission:

(1) all powers, duties, functions, programs, activities, obligations, and liabilities of the commission on environmental quality under Chapter 382, Health and Safety Code, related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas;

(2) all equipment and property of the commission on environmental quality used solely for the administration of or in relation to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas;

(3) all unobligated and unspent funds appropriated to the commission on environmental quality designated for the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas; and

(4) all files and other records of the commission on environmental quality kept by that commission for the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(c) A rule or form of the commission on environmental quality adopted before the date specified by Subsection (b) of this section relating to a power, duty, function, program, or activity transferred by that subsection is a rule or form of the oil and gas commission on that date and remains in effect until amended or repealed by the oil and gas commission.

(d) On delegation to the oil and gas commission of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, a reference in law to the commission on environmental quality relating to a power, duty, function, program, activity, obligation, or liability transferred by Subsection (b) of this section means the oil and gas commission.

(e) On delegation to the oil and gas commission of authority under the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, the commission on environmental quality and the oil and gas commission shall enter into a memorandum of understanding that:

(1) identifies in detail the applicable powers and duties that are transferred to the oil and gas commission by this Act; and

(2) establishes a plan for the identification and transfer of the records, personnel, property, and unspent appropriations of the commission on environmental quality that are used for the purposes of the commission's powers and duties related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas.

(f) In the period beginning on the effective date of this Act and ending on the 120th day after the effective date of Section 382.042, Health and Safety Code, as added by this Act, the commission on environmental quality shall continue to perform the functions and activities under Chapter 382, Health and Safety Code, related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas, and the former law is continued in effect for that purpose.

(g) The changes in law made by this Act that relate to the authority to conduct a hearing related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas apply only to a hearing for which a request is submitted to the oil and gas commission on or after the effective date of Section 382.042, Health and Safety Code, as added by this Act.

(h) A request for a hearing submitted to the commission on environmental quality related to the regulation of emissions of air contaminants from the exploration for and development and production of oil or gas that was submitted before the effective date of Section 382.042, Health and Safety Code, as added by this Act, is governed:

(1) by the law in effect on the date the request was

submitted, and that law is continued in effect for that purpose; or

(2) as provided by an interagency memorandum of understanding entered into by the commission on environmental quality and the oil and gas commission under Subsection (e) of this section.