

By: Davis

S.B. No. 1869

A BILL TO BE ENTITLED

AN ACT

relating to the creation, fines, and funding of the Railroad Commission of Texas operating account.

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

SECTION 1. The Legislature finds that current statute and fines under the Natural Resources Code do not accurately serve as a deterrent to violations of the code. By increasing existing fines and dedicating these fines to the Railroad Commission's Operation Account established under SECTION 2 of this bill, the Legislature hopes to provide an adequate deterrent for violation.

SECTION 2. Subchapter B, Chapter 81, Natural Resources Code, is amended by adding Section 81.021 to read as follows:

Sec. 81.021. RAILROAD COMMISSION OF TEXAS OPERATING ACCOUNT. (a) The Railroad Commission of Texas operating account is an account in the general revenue fund.

(b) Money in the account may be appropriated only to the commission for the operation of the commission.

SECTION 3. Section 81.058, Natural Resources Code, is amended by adding Subsection (g) to read as follows:

(g) An administrative penalty imposed under this section shall be deposited to the credit of the Railroad Commission of Texas operating account established under Section 81.021.

SECTION 4. Subchapter K, Chapter 85, Natural Resources Code, is amended by adding Section 85.390 to read as follows:

1       Sec. 85.390. DISPOSITION OF CERTAIN PENALTIES. A penalty  
2 collected under Section 85.385 or 85.3855 shall be deposited to the  
3 credit of the Railroad Commission of Texas operating account  
4 established under Section 81.021.

5       SECTION 5. Section 111.261, Natural Resources Code, is  
6 amended to read as follows:

7       Sec. 111.261. PENALTY RECOVERABLE BY STATE. (a) A common  
8 carrier under this chapter is subject to a penalty of not less than  
9 \$100 nor more than ~~\$1,000~~\$25,000 for each offense, recoverable in  
10 the name of the state, if the common carrier:

11           (1) violates Section 111.013 through 111.024,  
12 111.134, 111.135, 111.138, 111.139, 111.141, or 111.142 of this  
13 code or a valid order of the commission; or

14           (2) fails to perform a duty imposed by Section 111.013  
15 through 111.024, 111.134, 111.135, 111.138, 111.139, 111.141, or  
16 111.142 of this code.

17       (b) A penalty collected under this section shall be  
18 deposited to the credit of the Railroad Commission of Texas  
19 operating account established under Section 81.021.

20       SECTION 6. Section 111.263, Natural Resources Code, is  
21 amended by adding Subsection (a-1) to read as follows:

22       (a-1) Except as provided by Subsection (b), a penalty  
23 recovered under this section shall be deposited to the credit of the  
24 Railroad Commission of Texas operating account established under  
25 Section 81.021.

26       SECTION 7. Section 116.143, Natural Resources Code, is  
27 amended by adding Subsection (d) to read as follows:

1        (d) A penalty collected under this section shall be  
2 deposited to the credit of the Railroad Commission of Texas  
3 operating account established under Section 81.021.

4        SECTION 8. Section 117.051, Natural Resources Code, is  
5 amended to read as follows:

6        Sec. 117.051. CIVIL PENALTY. (a) A person who violates  
7 this chapter or a rule adopted by the commission under this chapter  
8 is subject to a civil penalty of not less than \$50 nor more than  
9 \$25,000 for each act of violation and for each day of violation,  
10 provided that the maximum civil penalty that may be assessed for any  
11 related series of violations may not exceed \$500,000.

12        (b) A penalty collected under this section shall be  
13 deposited to the credit of the Railroad Commission of Texas  
14 operating account established under Section 81.021.

15        SECTION 9. Section 134.178, Natural Resources Code, is  
16 amended to read as follows:

17        Sec. 134.178. RECOVERY OF ADMINISTRATIVE PENALTY. (a) The  
18 attorney general at the request of the commission may bring a civil  
19 action to recover an administrative penalty owed under this  
20 chapter.

21        (b) An administrative penalty collected under this chapter  
22 shall be deposited to the credit of the Railroad Commission of Texas  
23 operating account established under Section 81.021.

24        SECTION 10. Section 141.016, Natural Resources Code, is  
25 amended to read as follows:

26        Sec. 141.016. RECOVERY OF PENALTY. Civil penalties owed  
27 under Sections 141.013-141.015 [~~of this code~~] may be recovered in a

1 civil action brought by the attorney general at the request of the  
2 commission and shall be deposited on collection to the credit of the  
3 Railroad Commission of Texas operating account established under  
4 Section 81.021.

5 SECTION 11. Section 105.027, Utilities Code, is amended to  
6 read as follows:

7 Sec. 105.027. DISPOSITION OF FINES AND PENALTIES. A fine or  
8 penalty collected under this subtitle, other than a fine or penalty  
9 collected in a criminal proceeding, shall be deposited to the  
10 credit of the Railroad Commission of Texas operating account  
11 established under Section 81.021, Natural Resources Code [~~paid to~~  
12 ~~the railroad commission~~].

13 SECTION 12. Subchapter E, Chapter 121, Utilities Code, is  
14 amended by adding Section 121.212 to read as follows:

15 Sec. 121.212. DISPOSITION OF CERTAIN PENALTIES. An  
16 administrative or civil penalty collected under this subchapter  
17 shall be deposited to the credit of the Railroad Commission of Texas  
18 operating account established under Section 81.021, Natural  
19 Resources Code.

20 SECTION 13. Subchapter G, Chapter 121, Utilities Code, is  
21 amended by adding Section 121.311 to read as follows:

22 Sec. 121.311. DISPOSITION OF CERTAIN PENALTIES. An  
23 administrative or civil penalty collected under this subchapter  
24 shall be deposited to the credit of the Railroad Commission of Texas  
25 operating account established under Section 81.021, Natural  
26 Resources Code.

27 SECTION 14. Section 27.101, Water Code, is amended by

1 adding Subsection (c) to read as follows:

2 (c) A penalty collected under this section shall be  
3 deposited to the credit of the Railroad Commission of Texas  
4 operating account established under Section 81.021, Natural  
5 Resources Code.

6 SECTION 15. Section 27.1014, Water Code, is amended to read  
7 as follows:

8 Sec. 27.1014. RECOVERY OF PENALTY. Civil penalties owed  
9 under Sections 27.1011-27.1013 [~~of this code~~] may be recovered in a  
10 civil action brought by the attorney general at the request of the  
11 railroad commission and shall be deposited on collection to the  
12 credit of the Railroad Commission of Texas operating account  
13 established under Section 81.021, Natural Resources Code.

14 SECTION 16. This Act takes effect September 1, 2011.