

By: Crownover

H.B. No. 878

A BILL TO BE ENTITLED

AN ACT

relating to the filing with the state of well logs by operators of oil-related or gas-related wells; providing a penalty.

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

SECTION 1. The heading to Subchapter M, Chapter 91, Natural Resources Code, is amended to read as follows:

SUBCHAPTER M. WELL [~~ELECTRIC~~] LOGS

SECTION 2. Sections 91.551(a)(1) and (2), Natural Resources Code, are amended to read as follows:

(1) "Well" means a well drilled for any purpose related to exploration for or production or storage of oil or gas or both oil and gas, including a well drilled for injection of fluids to enhance hydrocarbon recovery, disposal of produced fluids, disposal of waste from exploration or production activity, or brine mining. The term includes a well that is completed as a dry hole.

(2) "Well [~~Electric~~] log" means:

(A) a resistivity log combined with a spontaneous potential log; or

(B) a gamma ray log combined with a porosity log [~~a wireline survey, except dipmeter surveys and seismic wireline surveys, run in an open hole or a cased hole of a well for purposes of obtaining geological information~~].

SECTION 3. Section 91.552, Natural Resources Code, is amended to read as follows:

1 Sec. 91.552. WELL [~~ELECTRIC~~] LOGS REQUIRED TO BE FILED;
2 CRITERIA. (a) Except as otherwise provided by this subchapter, not
3 later than the 90th day after the date a drilling operation is
4 completed, the operator shall file with the commission a copy of
5 each well log, including each borehole section of the log at all
6 depths, [a basic electric log] run after September 1, 2013
7 [September 1, 1985], in conjunction with the drilling or deepening
8 of the well that meets basic criteria established by the
9 commission. Each well log must be filed with the commission
10 electronically in a manner acceptable to the commission if the
11 commission has the technological capability to receive the
12 electronic filing.

13 (b) The commission by rule shall establish criteria for well
14 [basic electric] logs to be filed with the commission.

15 (c) Not later than the deadline prescribed by Subsection (a)
16 for the filing of each well log, an operator shall file with the
17 commission a copy of a cased hole log run after September 1, 2013,
18 in conjunction with the drilling or deepening of a well in lieu of a
19 well log run after that date if:

20 (1) a cased hole log was run; and

21 (2) a well log was not run.

22 (d) Nothing in this subchapter requires an operator to run a
23 well log in conjunction with the drilling or deepening of a well.

24 SECTION 4. The heading to Section 91.553, Natural Resources
25 Code, is amended to read as follows:

26 Sec. 91.553. AVAILABILITY OF WELL [~~ELECTRIC~~] LOGS.

27 SECTION 5. Sections 91.553(a), (b), and (f), Natural

1 Resources Code, are amended to read as follows:

2 (a) Except as specifically provided by this section, each
3 well [~~electric~~] log filed with the commission under this subchapter
4 is not confidential and is public information under Chapter 552,
5 Government Code.

6 (b) Not later than the date by which a well [~~an electric~~] log
7 is required to be filed with the commission under Section 91.552,
8 the operator may file a written request with the commission asking
9 that the well [~~electric~~] log remain confidential and not be made
10 available as public information. [~~On filing this request, the~~
11 ~~electric log or copy of the electric log required to be filed with~~
12 ~~the commission may be retained by the operator, and the electric log~~
13 ~~may remain in the possession of the operator for the period of~~
14 ~~confidentiality and any extensions of that period.~~] On filing of
15 the request for confidentiality, the well [~~electric~~] log becomes
16 confidential and remains confidential for a period of:

17 (1) three years [~~one year~~] after the date that the
18 drilling operation was completed, if the well is an onshore well; or

19 (2) five years after the date that the drilling
20 operation was completed, if the well is a bay or offshore well.

21 (f) An operator who fails to timely file with the commission
22 a written request under Subsection (b) that a well [~~an electric~~] log
23 remain confidential and not be made available as public information
24 [~~or a written request under Subsection (c) or (d) for an extension~~
25 ~~of the period of confidentiality]~~ shall file the log with the
26 commission immediately after the conclusion of the period for
27 filing the request.

1 SECTION 6. Section 91.554, Natural Resources Code, is
2 amended to read as follows:

3 Sec. 91.554. AVAILABILITY OF CONFIDENTIAL WELL [~~ELECTRIC~~]
4 LOGS. The [~~If the commission requires an electric log to be filed~~
5 ~~before the expiration of a period of confidentiality, the~~
6 commission may [~~shall~~] make a confidential well [~~that electric~~] log
7 available for inspection during the period of confidentiality only
8 to:

9 (1) a person authorized in writing by the operator; or
10 [~~and~~]

11 (2) members of the commission and its employees in the
12 exercise of their powers and duties under this code.

13 SECTION 7. Section 91.555, Natural Resources Code, is
14 amended to read as follows:

15 Sec. 91.555. MANAGEMENT AND STORAGE OF WELL [~~ELECTRIC~~]
16 LOGS. The commission may contract with any person for the
17 management and storage of the well [~~electric~~] logs filed with the
18 commission.

19 SECTION 8. Section 91.556, Natural Resources Code, is
20 amended to read as follows:

21 Sec. 91.556. ENFORCEMENT [~~DENIAL OF ALLOWABLE~~]. If an
22 operator fails to file a well [~~an electric~~] log as required by this
23 subchapter, the commission may:

24 (1) if the well is completed as a producing well,
25 refuse to assign an allowable or a change in allowable for
26 production from the well [~~for which the electric log is required~~]
27 until the operator files the well [~~electric~~] log with the

1 commission; or

2 (2) impose an administrative penalty on the operator
3 in the manner provided by Sections 81.0531-81.0534 in an amount not
4 to exceed \$500 for each well for which the operator failed to file a
5 well log.

6 SECTION 9. Section 552.113(a), Government Code, is amended
7 to read as follows:

8 (a) Information is excepted from the requirements of
9 Section 552.021 if it is:

10 (1) a well [~~an electric~~] log confidential under
11 Subchapter M, Chapter 91, Natural Resources Code;

12 (2) geological or geophysical information or data,
13 including maps concerning wells, except information filed in
14 connection with an application or proceeding before an agency; or

15 (3) confidential under Subsections (c) through (f).

16 SECTION 10. Section 552.113(c)(2), Government Code, is
17 amended to read as follows:

18 (2) "Well [~~Basic electric~~] logs" has the same meaning
19 as it has in Chapter 91, Natural Resources Code.

20 SECTION 11. Sections 552.113(d), (e), and (f), Government
21 Code, are amended to read as follows:

22 (d) Confidential material, except well [~~basic electric~~]
23 logs, filed in the General Land Office on or after September 1,
24 1985, is public information and is available to the public under
25 Section 552.021 on and after the later of:

26 (1) five years from the filing date of the
27 confidential material; or

1 (2) one year from the expiration, termination, or
2 forfeiture of the lease in connection with which the confidential
3 material was filed.

4 (e) Well [~~Basic electric~~] logs filed in the General Land
5 Office on or after September 1, 1985, are either public information
6 or confidential material to the same extent and for the same periods
7 provided for the same logs by Chapter 91, Natural Resources Code. A
8 person may request that a well [~~basic electric~~] log that has been
9 filed in the General Land Office be made confidential by filing with
10 the land office a copy of the written request for confidentiality
11 made to the Railroad Commission of Texas for the same log.

12 (f) The following are public information:

13 (1) well [~~basic electric~~] logs filed in the General
14 Land Office before September 1, 1985; and

15 (2) confidential material, except well [~~basic~~
16 ~~electric~~] logs, filed in the General Land Office before September
17 1, 1985, provided, that Subsection (d) governs the disclosure of
18 that confidential material filed in connection with a lease that is
19 a valid and subsisting lease on September 1, 1995.

20 SECTION 12. Sections 91.553(c), (d), and (e), Natural
21 Resources Code, are repealed.

22 SECTION 13. The changes in law made by this Act apply only
23 to a drilling operation that is completed on or after the effective
24 date of this Act. A drilling operation that is completed before the
25 effective date of this Act is subject to the law in effect on the
26 date of completion, and that law is continued in effect for that
27 purpose.

1 SECTION 14. This Act takes effect September 1, 2013.