

1-1 By: Davis S.B. No. 514  
 1-2 (In the Senate - Filed February 12, 2013; February 20, 2013,  
 1-3 read first time and referred to Committee on Natural Resources;  
 1-4 April 25, 2013, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 9, Nays 0; April 25, 2013,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14			X	
1-15	X			
1-16			X	
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 514 By: Duncan

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the installation, maintenance, operation, and  
 1-24 relocation of saltwater pipeline facilities.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Chapter 91, Natural Resources Code, is amended  
 1-27 by adding Subchapter T to read as follows:

1-28 SUBCHAPTER T. SALTWATER PIPELINES

1-29 Sec. 91.901. DEFINITIONS. In this subchapter:

1-30 (1) "Saltwater pipeline facility" means a pipeline  
 1-31 facility that conducts water containing salt and other substances  
 1-32 produced during drilling or operating an oil, gas, or other type of  
 1-33 well. The term includes a pipeline facility that conducts flowback  
 1-34 and produced water from an oil or gas well on which a hydraulic  
 1-35 fracturing treatment has been performed to an oil and gas waste  
 1-36 disposal well for disposal.

1-37 (2) "Saltwater pipeline operator" means a person who  
 1-38 owns, installs, manages, operates, leases, or controls a saltwater  
 1-39 pipeline facility.

1-40 Sec. 91.902. PIPELINE ON PUBLIC ROAD. A saltwater pipeline  
 1-41 operator is entitled to install, maintain, and operate a saltwater  
 1-42 pipeline facility through, under, along, across, or over a public  
 1-43 road only if:

1-44 (1) the pipeline facility complies with applicable  
 1-45 rules adopted by the Texas Transportation Commission and applicable  
 1-46 county and municipal regulations regarding the accommodation of  
 1-47 utility facilities on a public road or right-of-way, including  
 1-48 regulations relating to the horizontal or vertical placement of the  
 1-49 pipeline facility;

1-50 (2) the saltwater pipeline operator ensures that the  
 1-51 public road and associated facilities are promptly restored to  
 1-52 their former condition of usefulness after the installation or  
 1-53 maintenance of the pipeline facility is complete; and

1-54 (3) the saltwater pipeline operator leases the  
 1-55 right-of-way or area in which the pipeline facility is installed  
 1-56 and pays to the applicable governmental entity the fair market  
 1-57 value of the operator's use of the right-of-way or area, unless the  
 1-58 operator is authorized by other law to install, maintain, and  
 1-59 operate the pipeline facility through, under, along, across, or  
 1-60 over the public road.

2-1 Sec. 91.903. RELOCATION OF SALTWATER PIPELINE FACILITY FOR  
2-2 CERTAIN PURPOSES. (a) Except as provided by Section 203.092,  
2-3 Transportation Code, the Texas Transportation Commission, the  
2-4 commissioners court of a county, or the governing body of a  
2-5 municipality, as applicable, may require a saltwater pipeline  
2-6 operator to relocate a saltwater pipeline facility at the cost of  
2-7 the saltwater pipeline operator to accommodate construction or  
2-8 expansion of a public road or for any other public work unless the  
2-9 saltwater pipeline operator has a property interest in the land  
2-10 occupied by the facility to be relocated.

2-11 (b) The Texas Transportation Commission, the commissioners  
2-12 court of a county, or the governing body of a municipality, as  
2-13 applicable, shall give to the saltwater pipeline operator 30 days'  
2-14 written notice of the requirement. The notice must identify the  
2-15 pipeline facility to be relocated and indicate the approximate  
2-16 location on the new right-of-way where the saltwater pipeline  
2-17 operator may place the facility.

2-18 Sec. 91.904. CONSTRUCTION OF SUBCHAPTER. This subchapter  
2-19 may not be construed to:

2-20 (1) limit the authority of a saltwater pipeline  
2-21 facility to use a public right-of-way under any other law; or

2-22 (2) affect the authority of a municipality to:

2-23 (A) regulate the use of a public right-of-way by  
2-24 a saltwater pipeline operator under any other law; or

2-25 (B) require payment of any applicable charge  
2-26 under Section 182.025, Tax Code.

2-27 Sec. 91.905. APPLICATION OF OTHER LAW. Section 212.153(e),  
2-28 Local Government Code, and Sections 203.092, 224.008, and  
2-29 502.1981(c)(4), Transportation Code, apply to saltwater pipeline  
2-30 operators and saltwater pipeline facilities in the same manner as  
2-31 they apply to utilities and utility facilities.

2-32 SECTION 2. This Act takes effect immediately if it receives  
2-33 a vote of two-thirds of all the members elected to each house, as  
2-34 provided by Section 39, Article III, Texas Constitution. If this  
2-35 Act does not receive the vote necessary for immediate effect, this  
2-36 Act takes effect September 1, 2013.

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