

By: Darby

H.B. No. 2715

A BILL TO BE ENTITLED

AN ACT

relating to the composition and use of money in the oil and gas regulation and cleanup fund.

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

SECTION 1. Section 81.0531(e), Natural Resources Code, is amended to read as follows:

(e) A penalty collected under this section shall be deposited to the credit of the oil and gas regulation and ~~oil-field~~ cleanup fund.

SECTION 2. Section 81.058, Natural Resources Code, is amended by adding Subsection (g) to read as follows:

(g) An administrative penalty collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund.

SECTION 3. Section 81.067(c), Natural Resources Code, is amended to conform to the repeal of Section 81.112, Natural Resources Code, by Chapter 470 (S.B. 757), Acts of the 84th Legislature, Regular Session, 2015, and is further amended to read as follows:

(c) The fund consists of:

(1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the

- 1 refund provisions of Section 91.1091, if applicable;
- 2 (2) private contributions, including contributions
- 3 made under Section 89.084;
- 4 (3) expenses collected under Section 89.083;
- 5 (4) fees imposed under Section 85.2021;
- 6 (5) costs recovered under Section 91.457 or 91.459;
- 7 (6) proceeds collected under Sections 89.085 and
- 8 91.115;
- 9 (7) interest earned on the funds deposited in the
- 10 fund;
- 11 (8) oil and gas waste hauler permit application fees
- 12 collected under Section 29.015, Water Code;
- 13 (9) costs recovered under Section 91.113(f);
- 14 (10) hazardous oil and gas waste generation fees
- 15 collected under Section 91.605;
- 16 (11) oil-field cleanup regulatory fees on oil
- 17 collected under Section 81.116;
- 18 (12) oil-field cleanup regulatory fees on gas
- 19 collected under Section 81.117;
- 20 (13) fees for a reissued certificate collected under
- 21 Section 91.707;
- 22 (14) fees collected under Section 91.1013;
- 23 (15) fees collected under Section 89.088;
- 24 (16) fees collected under Section 91.142;
- 25 (17) fees collected under Section 91.654;
- 26 (18) costs recovered under Sections 91.656 and 91.657;
- 27 (19) fees collected under Section 81.0521;

- 1 (20) fees collected under Sections [89.024](#) and [89.026](#);
- 2 (21) legislative appropriations;
- 3 (22) any surcharges collected under Section [81.070](#);
- 4 (23) fees collected under Section [91.0115](#);
- 5 (24) ~~[money deposited to the credit of the fund under~~
6 ~~Section [81.112](#);~~
- 7 ~~[(25)]~~ fees collected under Subchapter E, Chapter [121](#),
- 8 Utilities Code; ~~[and]~~
- 9 (25) ~~[(26)]~~ fees collected under Section [27.0321](#),
- 10 Water Code;
- 11 (26) penalties collected under Section [81.0531](#) or
12 [81.058](#);
- 13 (27) penalties collected under Section [85.381](#),
14 [85.385](#), or [85.3855](#);
- 15 (28) administrative penalties collected under Section
16 [91.143](#);
- 17 (29) money received by the commission under Chapter
18 [113](#);
- 19 (30) money collected by the commission as fees or
20 civil penalties under Chapter [116](#), except as provided by Section
21 [116.014](#)(a);
- 22 (31) fees collected under Section [131.355](#);
- 23 (32) fees collected under Section [134.054](#) or [134.055](#);
- 24 (33) administrative penalties collected under Chapter
25 [134](#);
- 26 (34) administrative penalties collected under
27 Subchapter E or G, Chapter [121](#), Utilities Code;

1 (35) taxes collected under Chapter 122, Utilities
2 Code; and

3 (36) penalties and interest collected under
4 Subchapter E, Chapter 122, Utilities Code.

5 SECTION 4. Section 81.068, Natural Resources Code, is
6 amended to read as follows:

7 Sec. 81.068. PURPOSES OF OIL AND GAS REGULATION AND CLEANUP
8 FUND. Money in the oil and gas regulation and cleanup fund may be
9 used by the commission or its employees or agents for any purpose
10 related to the regulation of oil and gas development, including oil
11 and gas monitoring and inspections, oil and gas remediation, and
12 oil and gas well plugging, the study and evaluation of electronic
13 access to geologic data and surface casing depths necessary to
14 protect usable groundwater in this state, alternative fuels
15 regulatory programs related to liquefied petroleum gas, compressed
16 natural gas, and liquefied natural gas safety [~~under Section~~
17 ~~81.0681~~], the administration of pipeline safety and regulatory
18 programs, public information and services related to those
19 activities, the regulation of the rates and services of gas
20 utilities, the administration of surface mining regulatory
21 programs, and administrative costs and state benefits for personnel
22 involved in those activities.

23 SECTION 5. Section 85.381, Natural Resources Code, is
24 amended by adding Subsection (c) to read as follows:

25 (c) A penalty collected under this section shall be
26 deposited to the credit of the oil and gas regulation and cleanup
27 fund.

1 SECTION 6. Section 85.385, Natural Resources Code, is
2 amended to read as follows:

3 Sec. 85.385. PERSONS AIDING OR ABETTING VIOLATION. (a) Any
4 person who aids or abets any other person in violating Section
5 85.045 or 85.046 of this code, Title 102, Revised [~~Civil~~] Statutes
6 [~~of Texas, 1925~~], as amended, including provisions of this code
7 formerly included in that title, or any rule or order adopted by the
8 commission under those laws is subject to the same penalties as
9 provided in Section 85.381 of this code.

10 (b) A penalty collected under this section shall be
11 deposited to the credit of the oil and gas regulation and cleanup
12 fund.

13 SECTION 7. Section 85.3855, Natural Resources Code, is
14 amended by adding Subsection (g) to read as follows:

15 (g) A penalty collected under this section shall be
16 deposited to the credit of the oil and gas regulation and cleanup
17 fund.

18 SECTION 8. Section 91.143(e), Natural Resources Code, is
19 amended to read as follows:

20 (e) The commission may impose an administrative penalty in
21 the manner provided by Sections 81.0531-81.0534 on a person who
22 violates this section. The amount of the penalty may not exceed
23 \$1,000 for each violation. An administrative penalty collected
24 under this subsection shall be deposited to the credit of the oil
25 and gas regulation and cleanup fund.

26 SECTION 9. Section 113.201, Natural Resources Code, is
27 amended to read as follows:

1 Sec. 113.201. DEPOSIT AND EXPENDITURE OF FEES AND FUNDS.
2 Money received by the commission under this chapter shall be
3 deposited in the state treasury to the credit of the oil and gas
4 regulation and cleanup fund [~~General Revenue Fund~~] and spent in
5 accordance with the appropriations made by law.

6 SECTION 10. The heading to Section 116.014, Natural
7 Resources Code, is amended to read as follows:

8 Sec. 116.014. DEPOSIT AND USE OF FEES AND CIVIL PENALTIES.

9 SECTION 11. Section 116.014(b), Natural Resources Code, is
10 amended to read as follows:

11 (b) Except as provided by Subsection (a) [~~of this section~~],
12 money collected by the commission as fees or civil penalties under
13 this chapter shall be deposited in the oil and gas regulation and
14 cleanup [~~general revenue~~] fund.

15 SECTION 12. Section 131.355, Natural Resources Code, is
16 amended by amending Subsection (b) and adding Subsection (c) to
17 read as follows:

18 (b) Section 131.231 does not apply to a fee imposed under
19 this section [~~subchapter~~].

20 (c) A fee collected under this section shall be deposited to
21 the credit of the oil and gas regulation and cleanup fund.

22 SECTION 13. Section 134.054, Natural Resources Code, is
23 amended by adding Subsection (d) to read as follows:

24 (d) A fee collected under this section shall be deposited to
25 the credit of the oil and gas regulation and cleanup fund.

26 SECTION 14. Section 134.055, Natural Resources Code, is
27 amended by adding Subsection (d) to read as follows:

1 (d) A fee collected under this section shall be deposited to
2 the credit of the oil and gas regulation and cleanup fund.

3 SECTION 15. Subchapter H, Chapter 134, Natural Resources
4 Code, is amended by adding Section 134.1815 to read as follows:

5 Sec. 134.1815. DEPOSIT OF ADMINISTRATIVE PENALTY. An
6 administrative penalty collected under this chapter shall be
7 deposited to the credit of the oil and gas regulation and cleanup
8 fund.

9 SECTION 16. Subchapter E, Chapter 121, Utilities Code, is
10 amended by adding Section 121.2105 to read as follows:

11 Sec. 121.2105. DEPOSIT OF ADMINISTRATIVE PENALTY. An
12 administrative penalty collected under this subchapter shall be
13 deposited to the credit of the oil and gas regulation and cleanup
14 fund.

15 SECTION 17. Subchapter G, Chapter 121, Utilities Code, is
16 amended by adding Section 121.3095 to read as follows:

17 Sec. 121.3095. DEPOSIT OF ADMINISTRATIVE PENALTY. An
18 administrative penalty collected under this subchapter shall be
19 deposited to the credit of the oil and gas regulation and cleanup
20 fund.

21 SECTION 18. Subchapter C, Chapter 122, Utilities Code, is
22 amended by adding Section 122.1035 to read as follows:

23 Sec. 122.1035. DEPOSIT OF TAX. A tax collected under this
24 chapter shall be deposited to the credit of the oil and gas
25 regulation and cleanup fund.

26 SECTION 19. Subchapter E, Chapter 122, Utilities Code, is
27 amended by adding Section 122.206 to read as follows:

1 Sec. 122.206. DEPOSIT OF PENALTIES AND INTEREST. Penalties
2 and interest collected under this subchapter shall be deposited to
3 the credit of the oil and gas regulation and cleanup fund.

4 SECTION 20. To the extent of any conflict, this Act prevails
5 over another Act of the 85th Legislature, Regular Session, 2017,
6 relating to nonsubstantive additions to and corrections in enacted
7 codes.

8 SECTION 21. This Act takes effect September 1, 2017.