

By: Anchia

H.B. No. 867

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to written disclosure of gas pipeline leaks to gas  
3 distribution customers; clarifying changes to related  
4 administrative penalties.

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

6 SECTION 1. Sections 121.206(a) and (d), Utilities Code, are  
7 amended to read as follows:

8 (a) The railroad commission may assess an administrative  
9 penalty against a person who violates Section 121.201 or a safety  
10 standard or other rule prescribed or adopted under this subchapter  
11 [~~that section~~].

12 (d) The railroad commission by rule shall adopt guidelines  
13 to be used in determining the amount of a penalty under this  
14 subchapter. The guidelines shall include a penalty calculation  
15 worksheet that specifies the typical penalty for certain  
16 violations, circumstances justifying enhancement of a penalty and  
17 the amount of the enhancement, and circumstances justifying a  
18 reduction in a penalty and the amount of the reduction. The  
19 guidelines shall take into account:

20 (1) the person's history of previous violations of  
21 Section 121.201 or a safety standard or other rule prescribed or  
22 adopted under this subchapter [~~that section~~], including the number  
23 of previous violations;

24 (2) the seriousness of the violation and of any

1 pollution resulting from the violation;

2 (3) any hazard to the health or safety of the public;

3 (4) the degree of culpability;

4 (5) the demonstrated good faith of the person charged;

5 and

6 (6) any other factor the commission considers  
7 relevant.

8 SECTION 2. Subchapter E, Chapter 121, Utilities Code, is  
9 amended by adding Section 121.217 to read as follows:

10 Sec. 121.217. WRITTEN NOTICE OF LEAK REQUIRED. (a) The  
11 railroad commission by rule shall require a distribution gas  
12 pipeline facility operator to mail written notice of a leak not  
13 later than 72 hours after the leak is discovered to each customer  
14 whose billed property is located less than one-quarter mile from  
15 where the leak occurred.

16 (b) The written notice must be printed in both English and  
17 Spanish.

18 SECTION 3. The Railroad Commission of Texas shall adopt the  
19 rules required by Section 121.217, Utilities Code, as added by this  
20 Act, not later than December 31, 2019.

21 SECTION 4. This Act takes effect September 1, 2019.