| **House Bill 864**Senate AmendmentsSection-by-Section Analysis |
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| HOUSE VERSION | SENATE VERSION (CS) | CONFERENCE |
| SECTION 1. Sections 121.206(a) and (d), Utilities Code, are amended to read as follows:(a) The railroad commission may assess an administrative penalty against a person who violates Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter [~~that section~~].(d) The railroad commission by rule shall adopt guidelines to be used in determining the amount of a penalty under this subchapter. The guidelines shall include a penalty calculation worksheet that specifies the typical penalty for certain violations, circumstances justifying enhancement of a penalty and the amount of the enhancement, and circumstances justifying a reduction in a penalty and the amount of the reduction. The guidelines shall take into account:(1) the person's history of previous violations of Section 121.201 or a safety standard or other rule prescribed or adopted under this subchapter [~~that section~~], including the number of previous violations;(2) the seriousness of the violation and of any pollution resulting from the violation;(3) any hazard to the health or safety of the public;(4) the degree of culpability;(5) the demonstrated good faith of the person charged; and(6) any other factor the commission considers relevant. | SECTION 1. Same as House version. |  |
| SECTION 2. Subchapter E, Chapter 121, Utilities Code, is amended by adding Section 121.214 to read as follows:Sec. 121.214. PIPELINE INCIDENT REPORTING AND RECORDS. (a) In this section:(1) "Distribution gas pipeline facility" means a pipeline facility that distributes natural gas directly to end use customers.(2) "Pipeline incident" means an event involving a release of gas from a pipeline that:(A) under federal regulations, gives rise to a duty of a distribution gas pipeline facility operator to report the event to a federal agency; or(B) results in one or more of the following consequences:(i) a death or a personal injury necessitating in-patient hospitalization;(ii) estimated property damage greater than or equal to the greater of:(a) $50,000, including loss to the operator, loss to others, or both, but excluding cost of gas lost; or(b) an amount under federal regulations that gives rise to the duty of a distribution gas pipeline facility operator to report the event to a federal agency; or(iii) unintentional estimated gas loss of three million cubic feet or more.(3) "State record" has the meaning assigned by Section 441.180, Government Code.(b) The railroad commission by rule shall require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to:(1) notify the commission of the incident before the expiration of one hour following the operator's discovery of the incident; and(2) provide the following information to the commission:(A) the pipeline operator's name and telephone number;(B) the location of the incident;(C) the time of the incident;(D) the fatalities and personal injuries caused by the incident;(E) the telephone number of the operator's on-site person;(F) the cost of gas lost;(G) estimated property damage to the operator and others;(H) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest; and(I) other information required under federal regulations to be provided to the Pipeline and Hazardous Materials Safety Administration or a successor agency after a pipeline incident or similar incident.(c) The railroad commission shall retain state records of the railroad commission regarding a pipeline incident perpetually. | SECTION 2. Subchapter E, Chapter 121, Utilities Code, is amended by adding Section 121.214 to read as follows:Sec. 121.214. PIPELINE INCIDENT REPORTING AND RECORDS. (a) In this section:(1) "Distribution gas pipeline facility" means a pipeline facility that distributes natural gas directly to end use customers.(2) "Pipeline incident" means an event involving a release of gas from a pipeline that:(A) under federal regulations, gives rise to a duty of a distribution gas pipeline facility operator to report the event to a federal agency; or(B) results in one or more of the following consequences:(i) a death or a personal injury necessitating in-patient hospitalization;(ii) estimated property damage greater than or equal to the greater of:(a) $50,000, including loss to the operator, loss to others, or both, but excluding cost of gas lost; or(b) an amount under federal regulations that gives rise to the duty of a distribution gas pipeline facility operator to report the event to a federal agency; or(iii) unintentional estimated gas loss of three million cubic feet or more.(3) "State record" has the meaning assigned by Section 441.180, Government Code.(b) The railroad commission by rule shall require a distribution gas pipeline facility operator, after a pipeline incident involving the operator's pipelines, to:(1) notify the commission of the incident before the expiration of one hour following the operator's discovery of the incident;(2) provide the following information to the commission before the expiration of one hour following the operator's discovery of the incident:(A) the pipeline operator's name and telephone number;(B) the location of the incident;(C) the time of the incident; andD) the telephone number of the operator's on-site person; and(3) provide the following information to the commission when the information is known by the operator:(A) the fatalities and personal injuries caused by the incident;(B) the cost of gas lost;(C) estimated property damage to the operator and others;(D) any other significant facts relevant to the incident, including facts related to ignition, explosion, rerouting of traffic, evacuation of a building, and media interest; and(E) other information required under federal regulations to be provided to the Pipeline and Hazardous Materials Safety Administration or a successor agency after a pipeline incident or similar incident.(c) The railroad commission shall retain state records of the railroad commission regarding a pipeline incident perpetually. |  |
| SECTION 3. The Railroad Commission of Texas shall adopt the rules required by Section 121.214, Utilities Code, as added by this Act, not later than December 31, 2019. | SECTION 3. Same as House version. |  |
| SECTION 4. This Act takes effect September 1, 2019. | SECTION 4. Same as House version. |  |