

By: Darby, Geren, King of Uvalde, Craddick,  
Leman

H.B. No. 964

Substitute the following for H.B. No. 964:

By: Longoria

C.S.H.B. No. 964

A BILL TO BE ENTITLED

AN ACT

relating to the treatment, recycling for beneficial use, or  
disposal of drill cuttings.

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

SECTION 1. Sections 123.001(2) and (3), Natural Resources  
Code, are amended to read as follows:

(2) "Drill cuttings" means bits of rock or soil cut  
from a subsurface formation by a drill bit during the process of  
drilling an oil or gas well and lifted to the surface by means of the  
circulation of drilling mud. The term includes any associated  
sand, silt, drilling fluid, spent completion fluid, workover fluid,  
debris, water, brine, oil scum, paraffin, or other material cleaned  
out of the wellbore.

(3) "Permit holder" means a person who holds a permit  
from the commission to operate a stationary commercial solid oil  
and gas waste recycling facility or a commercial oil and gas waste  
disposal facility.

SECTION 2. Section 123.003, Natural Resources Code, is  
amended to read as follows:

Sec. 123.003. RESPONSIBILITY IN TORT. Unless otherwise  
provided by a contract or other written agreement, a [A] person who  
generates drill cuttings and transfers the drill cuttings in an  
arm's length transaction to an unaffiliated third-party [a] permit  
holder under a contract that requires [with the contractual

1 ~~understanding~~] that the drill cuttings [~~will~~] be used in connection  
2 with road building or another beneficial use or disposed of is not  
3 liable in tort for a consequence of the subsequent use or disposal  
4 of the drill cuttings by the permit holder or by another person if:

5 (1) the person who generates the drill cuttings has  
6 the legal and contractual right to transfer the drill cuttings to  
7 the permit holder;

8 (2) the method and location of the use or disposal are  
9 not prohibited by law, contract, or other written agreement; and

10 (3) the consequence was caused solely by the permit  
11 holder.

12 SECTION 3. The change in law made by this Act applies only  
13 to a cause of action that accrues on or after the effective date of  
14 this Act. A cause of action that accrues before the effective date  
15 of this Act is governed by the law in effect immediately before that  
16 date, and that law is continued in effect for that purpose.

17 SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2021.