

By: Springer

S.B. No. 1734

A BILL TO BE ENTITLED

AN ACT

relating to the enforcement of certain federal laws regulating oil and gas operations within the State of Texas.

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

SECTION 1. Subtitle A, Title 3, Natural Resources Code, is amended by adding Chapter 82 to read as follows:

CHAPTER 82. ENFORCEMENT OF FEDERAL LAWS

Sec. 82.0101. DEFINITION. In this chapter, "oil and gas operation" has the meaning assigned by Section 81.0523.

Sec. 82.0102. ENFORCEMENT OF CERTAIN FEDERAL LAWS REGULATING OIL AND GAS OPERATIONS. (a) An agency of this state or a political subdivision of this state, and a law enforcement officer or other person employed by an agency of this state or a political subdivision of this state, may not contract with or in any other manner provide assistance to a federal agency or official with respect to the enforcement of a federal statute, order, rule, or regulation purporting to regulate oil and gas operations if the statute, order, rule, or regulation imposes a prohibition, restriction, or other regulation that does not exist under the laws of this state.

(b) A political subdivision of this state may not receive state grant funds if the political subdivision adopts a rule, order, ordinance, or policy under which the political subdivision requires the enforcement of any federal statute, order, rule, or

1 regulation described by Subsection (a) or, by consistent actions,
2 requires the enforcement of any federal statute, order, rule, or
3 regulation described by Subsection (a). State grant funds for the
4 political subdivision shall be denied for the fiscal year following
5 the year in which a final judicial determination in an action
6 brought under this section is made that the political subdivision
7 has intentionally required the enforcement of any federal statute,
8 order, rule, or regulation described by Subsection (a).

9 (c) Any citizen residing in the jurisdiction of a political
10 subdivision of this state may file a complaint with the attorney
11 general if the citizen offers evidence to support an allegation
12 that the political subdivision has adopted a rule, order,
13 ordinance, or policy under which the political subdivision requires
14 the enforcement of any federal statute, order, rule, or regulation
15 described by Subsection (a) or an allegation that the political
16 subdivision, by consistent actions, requires the enforcement of any
17 federal statute, order, rule, or regulation described by Subsection
18 (a). The citizen must include with the complaint the evidence the
19 citizen has that supports the complaint.

20 (d) If the attorney general determines that a complaint
21 filed under Subsection (c) against a political subdivision of this
22 state is valid, the attorney general may file a petition for a writ
23 of mandamus or apply for other appropriate equitable relief in a
24 district court in Travis County or in a county in which the
25 principal office of the political subdivision is located to compel
26 the political subdivision to comply with Subsection (a). The
27 attorney general may recover reasonable expenses incurred in

1 obtaining relief under this subsection, including court costs,
2 reasonable attorney's fees, investigative costs, witness fees, and
3 deposition costs.

4 (e) An appeal of a suit brought under Subsection (d) is
5 governed by the procedures for accelerated appeals in civil cases
6 under the Texas Rules of Appellate Procedure. The appellate court
7 shall render its final order or judgment with the least possible
8 delay.

9 (f) The attorney general shall defend any agency of this
10 state that the federal government attempts to sue for an action or
11 omission consistent with the requirements of this section.

12 SECTION 2. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.