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**The following 25 amendments were
published on 3/27/17 10:19 AM**



17 MAR 23 PM 12:50
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Alonzo

1 Amend C.S.H.B. No. 1818 (house committee report) as follows:

2 (1) On page 1, line 5, strike "Section 81.01001(a), Natural
3 Resources Code, is" and substitute "Sections 81.01001(a) and (b),
4 Natural Resources Code, are".

5 (2) On page 1, line 7, strike "Railroad Commission of Texas"
6 and substitute "Texas Oil & Gas [~~Railroad~~] Commission [~~of Texas~~"]".

7 (3) On page 1, between lines 10 and 11, insert the
8 following:

9 (b) The Texas Oil & Gas [~~Railroad~~] Commission [~~of Texas~~]
10 shall pay the costs incurred by the Sunset Advisory Commission in
11 performing a review of the commission under this section. The
12 Sunset Advisory Commission shall determine the costs, and the
13 commission shall pay the amount of those costs promptly on receipt
14 of a statement from the Sunset Advisory Commission detailing the
15 costs.

16 (4) Add the following appropriately numbered SECTIONS to
17 the bill and renumber subsequent SECTIONS of the bill and any
18 cross-references to those SECTIONS accordingly:

19 SECTION _____. The heading to Chapter 81, Natural Resources
20 Code, is amended to read as follows:

21 CHAPTER 81. TEXAS OIL & GAS [~~RAILROAD~~] COMMISSION [~~OF TEXAS~~]

22 SECTION _____. Section 81.001, Natural Resources Code, is
23 amended to read as follows:

24 Sec. 81.001. DEFINITIONS. In this chapter:

25 (1) "Commission" means the Texas Oil & Gas [~~Railroad~~]
26 Commission [~~of Texas~~].

27 (2) "Commissioner" means any member of the Texas Oil &
28 Gas [~~Railroad~~] Commission [~~of Texas~~].

29 SECTION _____. Subchapter A, Chapter 81, Natural Resources

Code, is amended by adding Section 81.003 to read as follows:

Sec. 81.003. TEXAS OIL & GAS COMMISSION. (a) The Railroad Commission of Texas is renamed the Texas Oil & Gas Commission.

(b) A reference in law to:

(1) the Railroad Commission of Texas means the Texas Oil & Gas Commission; and

(2) a railroad commissioner or a member of the Railroad Commission of Texas means a member of the Texas Oil & Gas Commission.

SECTION _____. Subchapter B, Chapter 81, Natural Resources Code, is amended by adding Section 81.010015 to read as follows:

Sec. 81.010015. ELECTION AND TERMS OF COMMISSIONERS; VACANCIES. (a) The commission is composed of three commissioners elected at the general election for state and county officers.

(b) Commissioners serve staggered terms of six years, with the term of one commissioner expiring December 31 of each even-numbered year.

(c) The governor shall appoint a person to fill a vacancy on the commission until the next general election.

SECTION _____. Section 81.01005, Natural Resources Code, is amended to read as follows:

Sec. 81.01005. NAME AND SEAL. (a) The commissioners are known collectively as the "Texas Oil & Gas [Railroad] Commission [of Texas]."

(b) The seal of the commission contains a star of five points with the words "Texas Oil & Gas [Railroad] Commission [of Texas]" engraved on it.

SECTION _____. The heading to Section 81.0521, Natural Resources Code, is amended to read as follows:

Sec. 81.0521. FEE FOR APPLICATION FOR EXCEPTION TO [RAILROAD] COMMISSION RULE.

SECTION _____. Section 52.092(c), Election Code, is amended to read as follows:

(c) Statewide offices of the state government shall be listed in the following order:

- (1) governor;
- (2) lieutenant governor;
- (3) attorney general;
- (4) comptroller of public accounts;
- (5) commissioner of the General Land Office;
- (6) commissioner of agriculture;
- (7) oil & gas [~~railroad~~] commissioner;
- (8) chief justice, supreme court;
- (9) justice, supreme court;
- (10) presiding judge, court of criminal appeals;
- (11) judge, court of criminal appeals.

SECTION _____. On the effective date of this Act, the name of the Railroad Commission of Texas is changed to the Texas Oil & Gas Commission. The change of the agency's name does not affect:

- (1) the agency's powers, duties, rights, or obligations;
- (2) the agency's personnel, equipment, data, documents, facilities, contracts, items, other property, appropriations, rules, or decisions;
- (3) a proceeding of or involving the agency under the name of the Railroad Commission of Texas; or
- (4) the terms of the chairman or other members of the governing body of the agency.



17 MAR 27 AM 9:56

FLOOR AMENDMENT NO. _____

HOUSE OF REPRESENTATIVES:

1 C.S.H.B. No. 1818 (House committee printing) by adding the
2 following SECTION to the bill and renumbering subsequent
3 SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 81, Natural Resources
5 Code, is amended by adding Section 81.010045 to read as follows:

6 Sec. 81.010045. CERTAIN POLITICAL CONTRIBUTIONS
7 RESTRICTED. (a) In this section, "political committee" and
8 "political contribution" have the meanings assigned by Section
9 251.001, Election Code.

10 (b) A commissioner may not knowingly accept a political
11 contribution given or offered with the intention that it be used
12 in connection with a campaign for or the holding of any elective
13 office, including the office of commissioner, except during the
14 period:

15 (1) beginning 19 months before the date of the next
16 general election at which the commissioner's office is filled;
17 and

18 (2) ending on the 30th day after the date of that
19 election.

20 (c) A person other than a commissioner may not knowingly
21 accept a political contribution given or offered with the
22 intention that it be used in connection with a campaign for the
23 office of commissioner, except:

24 (1) during the period:

25 (A) beginning 19 months before the date of the
26 next general election at which any commissioner's office is
27 filled; and

28 (B) ending on the 30th day after the date of
29 that election; or

1 (2) during the period beginning on the date a vacancy
2 in the office of commissioner occurs and ending on the date that
3 vacancy is filled.

4 (d) A commissioner may not knowingly accept a political
5 contribution, and shall refuse a political contribution that is
6 received, from a party in a contested case before the commission
7 or a political committee affiliated with such a party during the
8 period:

9 (1) beginning on the date notice of the hearing in
10 the contested case is given; and

11 (2) ending on:

12 (A) the 30th day after the date the decision in
13 the contested case is rendered; or

14 (B) if a request for rehearing is filed:

15 (i) the date the request is denied; or

16 (ii) the 30th day after the date the
17 decision after rehearing is rendered.

18 (e) A commissioner shall return a political contribution
19 that is received and refused under Subsection (d) not later than
20 the 30th day after the date the commissioner received the
21 contribution.

22 (f) The commission shall adopt all rules necessary to
23 implement Subsections (d) and (e), including rules that:

24 (1) direct the commission to maintain a list of the
25 contested cases before the commission and the parties to each
26 case in order to aid the commissioners in complying with those
27 subsections; and

28 (2) ensure that each notice of a hearing in a contested
29 case that is issued by the commission or a commissioner contains
30 information about the political contributions prohibited under
31 Subsection (d).

FLOOR AMENDMENT NO. _____

17 MAR 27 AM 9:57

~~HOUSE~~ OF REPRESENTATIVES

BY: _____



1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. (a) Subchapter C, Chapter 81, Natural
5 Resources Code, is amended by adding Section 81.072 to read as
6 follows:

7 Sec. 81.072. REQUIREMENTS REGARDING EMPLOYMENT OF PERSONS
8 NOT LAWFULLY PRESENT. (a) In this section:

9 (1) "Employ" means to agree or promise to provide
10 compensation for labor or services rendered.

11 (2) "Person not lawfully present" means a person who,
12 at the time of employment, is not:

13 (A) a citizen or national of the United States;
14 or

15 (B) an alien who is lawfully admitted for
16 permanent residence in the United States under the federal
17 Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.)
18 or authorized to be employed by that Act or the United States
19 attorney general.

20 (b) The executive head of any private business entity that
21 is issued a license, permit, certificate, or other authorization
22 by, or that enters into a contract with, the commission must
23 attest under penalty of perjury, in the manner and on a form
24 prescribed by the commission and accessible on the commission's
25 Internet website, that the entity:

26 (1) diligently inquires into the employment
27 authorization status of each employee;

28 (2) does not knowingly employ any person not lawfully
29 present; and

1 (3) if applicable, will require any subcontractor
2 directly involved in the performance of a service that is
3 performed under a contract between the entity and the commission
4 to provide verification to the entity and the commission that
5 the subcontractor diligently inquires into the employment
6 authorization status of each employee and does not knowingly
7 employ any person not lawfully present.

8 (c) The attestation required by Subsection (b) must occur
9 before the issuance of the authorization or execution of the
10 contract, as applicable.

11 (d) If the commission discovers that a private business
12 entity that has been issued a license, permit, certificate, or
13 other authorization by, or with whom the commission contracts,
14 knowingly employs persons not lawfully present, the commission
15 shall promptly refer the entity's executive head to the
16 appropriate local law enforcement entity for prosecution and to
17 the United States Immigration and Customs Enforcement for proper
18 enforcement.

19 (e) The commission shall publish on the commission's
20 Internet website under the heading "Sanctuary Industries" the
21 name of any private business entity found by the commission
22 under Subsection (d) to knowingly employ persons not lawfully
23 present.

24 (f) The commission shall adopt rules for the
25 administration of this section.

26 (b) Notwithstanding any other provision of this Act, this
27 section takes effect January 1, 2018.



17 MAR 24 AM 11:07
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: CAIN

1 Amend C.S.H.B. No. 1818 (house committee report) as follows:

2 (1) On page 3, line 27, strike "fees" and substitute "taxes
3 [~~fees~~]".

4 (2) On page 4, strike "fees" and substitute "taxes [~~fees~~]"
5 in the following places:

6 (A) line 6;

7 (B) line 9;

8 (C) line 11;

9 (D) line 13;

10 (E) line 15;

11 (F) line 17;

12 (G) line 18;

13 (H) line 19;

14 (I) line 20;

15 (J) line 22;

16 (K) line 23; and

17 (L) line 26.

18 (3) On page 4, line 27, between "(24)" and "[~~money~~]", insert
19 "taxes".

20 (4) On page 5, line 2, strike "[~~(25)~~] fees" and substitute
21 "[~~(25)~~ fees]".

22 (5) On page 5, line 4, strike "(25) [~~and (26)~~] fees" and
23 substitute "(25) taxes [~~and (26) fees~~]".

24 (6) On page 5, strike "fees" and substitute "taxes" in the
25 following places:

26 (A) line 6;

27 (B) line 11;

28 (C) line 14;

29 (D) line 16;

1 (E). line 18; and
2 (F) line 25.
3 (7) On page 5, line 9, strike "FEES" and substitute "TAXES".
4 (8) On page 5, line 26, strike "fee" and substitute "tax".
5 (9) On page 6, strike "fees" and substitute "taxes" in the
6 following places:
7 (A) line 1;
8 (B) line 3;
9 (C) line 4;
10 (D) line 15; and
11 (E) line 16.
12 (10) On page 6, lines 12 and 17, strike "fee" and substitute
13 "tax".
14 (11) Add the following appropriately numbered SECTIONS to
15 the bill and renumber subsequent SECTIONS of the bill accordingly:
16 SECTION _____. Section 81.0521, Natural Resources Code, is
17 amended to read as follows:
18 Sec. 81.0521. TAX [~~FE~~] FOR APPLICATION FOR EXCEPTION TO
19 RAILROAD COMMISSION RULE. (a) With each application for an
20 exception to any commission rule contained in Chapter 3 of Part I of
21 Title 16 of the Texas Administrative Code, the applicant shall
22 submit to the commission a tax [~~fee~~] of \$150.
23 (b) The application tax [~~fee~~] for an exception to any
24 commission rule may not be refunded.
25 (c) The proceeds from this tax [~~fee~~], excluding any
26 penalties collected in connection with the tax [~~fee~~], shall be
27 deposited to the oil and gas regulation and cleanup fund as provided
28 by Section 81.067.
29 SECTION _____. Section 81.056(g), Natural Resources Code, is
30 amended to read as follows:
31 (g) The commission may use money in the oil-field cleanup

1 fund to implement this section. The amount of money in the fund the
2 commission may use for that purpose may not exceed the amount of
3 money in the fund that is derived from taxes [~~fees~~] collected under
4 Section 91.142 from common carriers or owners or operators of
5 pipelines as determined annually by the commission.

6 SECTION _____. Section 81.067(b), Natural Resources Code, is
7 amended to read as follows:

8 (b) The commission shall certify to the comptroller the date
9 on which the balance in the fund equals or exceeds \$30 million. The
10 oil-field cleanup regulatory tax [~~fees~~] on oil and gas shall not be
11 collected or required to be paid on or after the first day of the
12 second month following the certification, except that the
13 comptroller shall resume collecting the tax [~~fees~~] on receipt of a
14 commission certification that the fund has fallen below \$25
15 million. The comptroller shall continue collecting the tax [~~fees~~]
16 until collections are again suspended in the manner provided by
17 this subsection.

18 SECTION _____. The heading to Section 81.070, Natural
19 Resources Code, is amended to read as follows:

20 Sec. 81.070. ESTABLISHMENT OF SURCHARGES ON TAXES [~~FEES~~].

21 SECTION _____. Sections 81.070(a), (b), (d), and (f),
22 Natural Resources Code, are amended to read as follows:

23 (a) Except as provided by Subsection (b), the commission by
24 rule shall provide for the imposition of reasonable surcharges as
25 necessary on taxes [~~fees~~] imposed by the commission that are
26 required to be deposited to the credit of the oil and gas regulation
27 and cleanup fund as provided by Section 81.067 in amounts
28 sufficient to enable the commission to recover the costs of
29 performing the functions specified by Section 81.068 from those
30 taxes [~~fees~~] and surcharges.

31 (b) The commission may not impose a surcharge on an

1 oil-field cleanup regulatory tax [~~fee~~] on oil collected under
2 Section 81.116 or an oil-field cleanup regulatory tax [~~fee~~] on gas
3 collected under Section 81.117.

4 (d) The commission shall collect a surcharge on a tax [~~fee~~]
5 at the time the tax [~~fee~~] is collected.

6 (f) A surcharge collected under this section shall not
7 exceed an amount equal to 185 percent of the tax [~~fee~~] on which it is
8 imposed.

9 SECTION _____. The heading to Subchapter E, Chapter 81,
10 Natural Resources Code, is amended to read as follows:

11 SUBCHAPTER E. TAXES [~~FEES~~]

12 SECTION _____. Section 81.116, Natural Resources Code, is
13 amended to read as follows:

14 Sec. 81.116. OIL-FIELD CLEANUP REGULATORY TAX [~~FEES~~] ON OIL.

15 (a) An oil-field cleanup regulatory tax [~~fee~~] is imposed on crude
16 petroleum produced in this state in the amount of five-eighths of
17 one cent on each barrel of 42 standard gallons.

18 (b) The oil-field cleanup regulatory tax [~~fee~~] is in
19 addition to, and independent of any liability for, the tax imposed
20 under Chapter 202, Tax Code.

21 (c) Except as provided by Subsection (d) of this section,
22 Chapter 202, Tax Code, applies to the administration and collection
23 of the oil-field cleanup regulatory tax [~~fee~~], and the penalties
24 provided by that chapter apply to any person who fails to pay or
25 report the oil-field cleanup regulatory tax [~~fee~~].

26 (d) The comptroller shall suspend collection of the tax
27 [~~fee~~] in the manner provided by Section 81.067. The exemptions and
28 reductions set out in Sections 202.052, 202.054, 202.056, 202.057,
29 202.059, and 202.060, Tax Code, do not affect the tax [~~fee~~] imposed
30 by this section.

31 (e) Proceeds from the tax [~~fee~~], excluding any penalties

1 collected in connection with the tax [~~fee~~], shall be deposited to
2 the oil and gas regulation and cleanup fund as provided by Section
3 81.067.

4 SECTION _____. Section 81.117, Natural Resources Code, is
5 amended to read as follows:

6 Sec. 81.117. OIL-FIELD CLEANUP REGULATORY TAX [~~FEE~~] ON GAS.

7 (a) An oil-field cleanup regulatory tax [~~fee~~] is imposed on gas
8 initially produced and saved in this state in the amount of
9 one-fifteenth of one cent for each thousand cubic feet.

10 (b) The oil-field cleanup regulatory tax [~~fee~~] is in
11 addition to, and independent of any liability for, the tax imposed
12 under Section 201.052, Tax Code.

13 (c) Except as provided by Subsection (d), the
14 administration, collection, and enforcement of the oil-field
15 cleanup regulatory tax [~~fee~~] is the same as for the tax imposed
16 under Section 201.052, Tax Code.

17 (d) The comptroller shall suspend collection of the tax
18 [~~fee~~] in the manner provided by Section 81.067. The exemptions and
19 reductions set out in Sections 201.053, 201.057, 201.058, and
20 202.060, Tax Code, do not affect the tax [~~fee~~] imposed by this
21 section.

22 (e) Proceeds from the tax [~~fee~~], excluding any penalties
23 collected in connection with the tax [~~fee~~], shall be deposited to
24 the oil and gas regulation and cleanup fund as provided by Section
25 81.067.

26 SECTION _____. Section 85.2021, Natural Resources Code, is
27 amended to read as follows:

28 Sec. 85.2021. DRILLING PERMIT TAX [~~FEE~~]. (a) With each
29 application or materially amended application for a permit to
30 drill, deepen, plug back, or reenter a well, the applicant shall
31 submit to the commission a nonrefundable tax [~~fee~~] of:

1 (1) \$200 if the total depth of the well is 2,000 feet
2 or less;

3 (2) \$225 if the total depth of the well is greater than
4 2,000 feet but less than or equal to 4,000 feet;

5 (3) \$250 if the total depth of the well is greater than
6 4,000 feet but less than or equal to 9,000 feet;

7 (4) \$300 if the total depth of the well is greater than
8 9,000 feet.

9 (b) An applicant shall submit an additional nonrefundable
10 tax [~~fee~~] of \$200 when a Rule 37 spacing or a Rule 38 density
11 exception review is requested.

12 (c) An applicant shall submit an additional nonrefundable
13 tax [~~fee~~] of \$150 when requesting that the commission expedite the
14 application for a permit to drill, deepen, plug back, or reenter a
15 well.

16 (d) All taxes [~~fees~~] collected under this section shall be
17 deposited in the oil and gas regulation and cleanup fund.

18 SECTION _____. Section 89.024(d), Natural Resources Code, is
19 amended to read as follows:

20 (d) An operator who files an abeyance of plugging report
21 must pay an annual tax [~~fee~~] of \$100 for each well covered by the
22 report. A tax [~~fee~~] collected under this section shall be
23 deposited in the oil and gas regulation and cleanup fund.

24 SECTION _____. Section 89.026(d), Natural Resources Code, is
25 amended to read as follows:

26 (d) An operator who files documentation described by
27 Subsection (a) must pay an annual tax [~~fee~~] of \$50 for each well
28 covered by the documentation. A tax [~~fee~~] collected under this
29 section shall be deposited in the oil and gas regulation and cleanup
30 fund.

31 SECTION _____. Section 89.047(h), Natural Resources Code, is

1 amended to read as follows:

2 (h) A person who is designated as the operator of an
3 orphaned well on or after January 1, 2006, and not later than
4 December 31, 2007, is entitled to receive:

5 (1) a nontransferable exemption from severance taxes
6 for all future production from the well as provided by Section
7 202.060, Tax Code;

8 (2) a nontransferable exemption from the taxes [~~fees~~]
9 provided by Sections 81.116 and 81.117 for all future production
10 from the well; and

11 (3) a payment from the commission in an amount equal to
12 the depth of the well multiplied by 50 cents for each foot of well
13 depth if, not later than the third anniversary of the date the
14 commission designates the person as the operator of the well, the
15 person brings the well back into continuous active operation or
16 plugs the well in accordance with commission rules.

17 SECTION _____. The heading to Section 89.088, Natural
18 Resources Code, is amended to read as follows:

19 Sec. 89.088. RECORD OF REQUEST FOR NOTICE BY LIENHOLDER OR
20 NONOPERATOR; FORM; TAX [~~FEES~~].

21 SECTION _____. Section 89.088(c), Natural Resources Code, is
22 amended to read as follows:

23 (c) The commission may charge a filing tax [~~fee~~] for a
24 request for notice not to exceed \$10 for each lease covered by the
25 request.

26 SECTION _____. Sections 91.0115(b), (c), and (d), Natural
27 Resources Code, are amended to read as follows:

28 (b) The commission may charge a tax [~~fee~~] in an amount to be
29 determined by the commission for a letter of determination.

30 (c) The commission shall charge a tax [~~fee~~] not to exceed
31 \$75, in addition to the tax [~~fee~~] required by Subsection (b), for

1 processing a request to expedite a letter of determination.

2 (d) The taxes [~~fees~~] collected under this section shall be
3 deposited in the oil and gas regulation and cleanup fund.

4 SECTION _____. Section 91.1013, Natural Resources Code, is
5 amended to read as follows:

6 Sec. 91.1013. APPLICATION TAXES [~~FEES~~]. (a) With each
7 application for a fluid injection well permit, the applicant shall
8 submit to the commission a nonrefundable tax [~~fee~~] of \$200. In this
9 section, "fluid injection well" means any well used to inject fluid
10 or gas into the ground in connection with the exploration or
11 production of oil or gas other than an oil and gas waste disposal
12 well regulated by the commission pursuant to Chapter 27, Water
13 Code.

14 (b) With each application for a permit to discharge to
15 surface water under this chapter and commission rules, other than a
16 permit for a discharge that meets National Pollutant Discharge
17 Elimination System requirements for agricultural or wildlife use,
18 the applicant shall submit to the commission a nonrefundable tax
19 [~~fee~~] of \$300.

20 (c) Taxes [~~Fees~~] collected under this section shall be
21 deposited in the oil and gas regulation and cleanup fund.

22 SECTION _____. Section 91.114(g), Natural Resources Code, is
23 amended to read as follows:

24 (g) A tax or fee tendered in connection with a report or
25 application that is rejected under this section is nonrefundable.

26 SECTION _____. Section 91.142(g), Natural Resources Code, is
27 amended to read as follows:

28 (g) An organization report filed under this section must be
29 accompanied by the following tax [~~fee~~]:

- 30 (1) for an operator of not more than 25 wells, \$300;
31 (2) for an operator of more than 25 but not more than

1 100 wells, \$500;
2 (3) for an operator of more than 100 wells, \$1,000;
3 (4) for an operator of one or more natural gas
4 pipelines as classified by the commission, \$225;
5 (5) for an operator of one or more service activities
6 or facilities who does not operate any wells, an amount determined
7 by the commission but not less than \$300 or more than \$500;
8 (6) for an operator of one or more liquids pipelines as
9 classified by the commission who does not operate any wells, an
10 amount determined by the commission but not less than \$425 or more
11 than \$625;
12 (7) for an operator of one or more service activities
13 or facilities, including liquids pipelines as classified by the
14 commission, who also operates one or more wells, an amount
15 determined by the commission based on the sum of the amounts
16 provided by the applicable subdivisions of this subsection but not
17 less than \$425 or more than \$1,125; and
18 (8) for an entity not currently performing operations
19 under the jurisdiction of the commission, \$300.

20 SECTION _____. The heading to Section 91.605, Natural
21 Resources Code, is amended to read as follows:

22 Sec. 91.605. HAZARDOUS OIL AND GAS WASTE GENERATION TAX
23 [~~FEE~~].

24 SECTION _____. Sections 91.605(a), (b), (c), and (e),
25 Natural Resources Code, are amended to read as follows:

26 (a) An annual tax [~~fee~~] is imposed on each operator who
27 generates hazardous oil and gas waste.

28 (b) The commission by rule shall set the tax [~~fee~~], which
29 must:

30 (1) be based on the volume of hazardous oil and gas
31 waste generated by the operator; and

(2) be reasonably related to the costs of implementing this subchapter and enforcing the rules, orders, and permits adopted or issued by the commission under this subchapter.

(c) The commission by rule shall also prescribe the procedures by which an operator must account for the volume of hazardous oil and gas waste generated and pay the tax [~~fee~~].

(e) The taxes [~~fees~~] collected under this section shall be deposited in the oil and gas regulation and cleanup fund.

SECTION _____. Sections 91.654(a), (b), and (e), Natural Resources Code, are amended to read as follows:

(a) A person who desires to participate in the voluntary cleanup program under this subchapter must submit to the commission an application and an application tax [~~fee~~] as prescribed by this section.

(b) An application submitted under this section must:

(1) be on a form provided by the commission;

(2) contain:

(A) general information concerning:

(i) the person and the person's capability, including the person's financial capability, to perform the voluntary cleanup;

(ii) the site; and

(iii) the name, address, and telephone number of all surface and mineral owners;

(B) other background information requested by the commission;

(C) an environmental assessment of the actual or threatened release of the contaminant at the site; and

(D) if the person applying is not the surface owner, written authorization from the surface owner agreeing to the applicant's participation in the program;

1 (3) be accompanied by an application tax [~~fee~~] of
2 \$1,000; and

3 (4) be submitted according to schedules set by the
4 commission.

5 (e) Taxes [~~Fees~~] collected under this section shall be
6 deposited to the credit of the oil and gas regulation and cleanup
7 fund under Section 81.067.

8 SECTION _____. Sections 91.655(b) and (c), Natural Resources
9 Code, are amended to read as follows:

10 (b) If an application is rejected because it is incomplete
11 or inaccurate, the commission, not later than the 45th day after
12 receipt of the application, shall provide the person with a list of
13 all information needed to make the application complete or
14 accurate. A person may resubmit an application once without
15 submitting an additional application tax [~~fee~~] if the person
16 resubmits the application not later than the 45th day after the date
17 the commission issues notice that the application has been
18 rejected.

19 (c) If the commission rejects the application, the
20 commission shall:

21 (1) notify the person that the application has been
22 rejected;

23 (2) explain the reasons for rejection of the
24 application; and

25 (3) inform the person that the commission will refund
26 half the person's application tax [~~fee~~] unless the person indicates
27 a desire to resubmit the application.

28 SECTION _____. Sections 91.656(b) and (d), Natural Resources
29 Code, are amended to read as follows:

30 (b) A voluntary cleanup agreement must provide for:

31 (1) recovery by the commission of all reasonable

1 costs:

2 (A) incurred by the commission in review and
3 oversight of the person's work plan and reports and as a result of
4 the commission's field activities;

5 (B) attributable to the voluntary cleanup
6 agreement; and

7 (C) in excess of the amount of taxes [~~fees~~]
8 submitted by the applicant under Section 91.654;

9 (2) a schedule of payments to the commission to be made
10 by the person for recovery of all commission costs fairly
11 attributable to the voluntary cleanup program, including direct and
12 indirect costs of overhead, salaries, equipment, and utilities, and
13 legal, management, and support costs; and

14 (3) appropriate tasks, deliverables, and schedules.

15 (d) If an agreement is not reached between a person desiring
16 to participate in the voluntary cleanup program and the commission
17 on or before the 30th day after good faith negotiations have begun:

18 (1) the person or the commission may withdraw from the
19 negotiations; and

20 (2) the commission retains the person's application
21 tax [~~fee~~].

22 SECTION _____. Section 91.706(b), Natural Resources Code, is
23 amended to read as follows:

24 (b) If an operator uses or reports use of a well for
25 production, injection, or disposal for which the operator's
26 certificate of compliance has been cancelled, the commission may
27 refuse to renew the operator's organization report required by
28 Section 91.142 until the operator pays the tax [~~fee~~] required by
29 Section 91.707 and the commission issues the certificate of
30 compliance required for that well.

31 SECTION _____. Section 91.707, Natural Resources Code, is

1 amended to read as follows:

2 Sec. 91.707. TAX [~~FEES~~] FOR REISSUED CERTIFICATE. (a) If a
3 certificate of compliance for a well has been canceled for one or
4 more violations of provisions of this title, Section 26.131, Water
5 Code, or Subchapter C, Chapter 27, Water Code, rules adopted or
6 orders issued under that title, section, or subchapter, as
7 applicable, or licenses, permits, or certificates issued to the
8 owner or operator of the well under that title, section, or
9 subchapter, as applicable, the commission may not issue a new
10 certificate of compliance until the owner or operator submits to
11 the commission a nonrefundable tax [~~fee~~] of \$300 for each severance
12 or seal order issued for the well.

13 (b) Taxes [~~Fees~~] collected under this section shall be
14 deposited to the oil and gas regulation and cleanup fund.

15 SECTION _____. The heading to Section 121.211, Utilities
16 Code, is amended to read as follows:

17 Sec. 121.211. PIPELINE SAFETY AND REGULATORY TAXES [~~FEES~~].

18 SECTION _____. Sections 121.211(a), (b), (c), (d), (e), and
19 (h), Utilities Code, are amended to read as follows:

20 (a) The railroad commission by rule may adopt a tax [~~fee~~] to
21 be assessed annually against operators of natural gas distribution
22 pipelines and their pipeline facilities and natural gas master
23 metered pipelines and their pipeline facilities subject to this
24 title.

25 (b) The railroad commission by rule shall establish the
26 method by which the tax [~~fee~~] will be calculated and assessed. In
27 adopting a tax [~~fee~~] structure, the railroad commission may
28 consider any factors necessary to provide for the equitable
29 allocation among operators of the costs of administering the
30 railroad commission's pipeline safety and regulatory program under
31 this title.

(c) The total amount of taxes [~~fees~~] estimated to be collected under rules adopted by the railroad commission under this section may not exceed the amount estimated by the railroad commission to be necessary to recover the costs of administering the railroad commission's pipeline safety and regulatory program under this title, excluding costs that are fully funded by federal sources.

(d) The commission may assess each operator of a natural gas distribution system subject to this title an annual tax [~~fee~~] not to exceed one dollar for each service line reported by the system on the Distribution Annual Report, Form RSPA F7100.1-1, due on March 15 of each year. The tax [~~fee~~] is due March 15 of each year.

(e) The railroad commission may assess each operator of a natural gas master metered system subject to this title an annual tax [~~fee~~] not to exceed \$100 for each master metered system. The tax [~~fee~~] is due June 30 of each year.

(h) A tax [~~fee~~] collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067, Natural Resources Code.

SECTION _____. Section 27.0321, Water Code, is amended to read as follows:

Sec. 27.0321. APPLICATION TAX [~~FEE~~]. (a) With each application for an oil and gas waste disposal well permit, the applicant shall submit to the railroad commission a nonrefundable tax [~~fee~~] of \$100.

(b) The tax [~~fee~~] collected under this section shall be deposited to the credit of the oil and gas regulation and cleanup fund as provided by Section 81.067, Natural Resources Code.

SECTION _____. Section 29.015, Water Code, is amended to read as follows:

Sec. 29.015. APPLICATION TAX [~~FEE~~]. With each application

1 for issuance, renewal, or material amendment of a permit, the
2 applicant shall submit to the railroad commission a nonrefundable
3 tax [~~fee~~] of \$100. Taxes [~~Fees~~] collected under this section shall
4 be deposited in the oil and gas regulation and cleanup fund.



17 MAR 24 PM 4:08

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee printing) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering the subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 91.104(c), Natural Resources Code, is
5 amended to read as follows:

6 (c) A person required to file a bond, letter of credit, or
7 cash deposit under Section 91.103 who operates one or more wells is
8 considered to have met that requirement for a well if the well bore
9 is included in a well-specific plugging insurance policy that:

10 (1) is approved by the Texas Department of Insurance;

11 (2) names this state as the owner and contingent
12 beneficiary of the policy;

13 (3) names a primary beneficiary who agrees to plug the
14 specified well bore;

15 (4) is fully prepaid and cannot be canceled or
16 surrendered;

17 (5) provides that the policy continues in effect until
18 the specified well bore has been plugged;

19 (6) provides that benefits will be paid when, but not
20 before, the specified well bore has been plugged in accordance with
21 commission rules in effect at the time of plugging; and

22 (7) provides benefits that equal the greatest of:

23 (A) an amount equal to the amount determined by
24 the commission under Section 91.1043 for the oil and gas division
25 district in which the specified well is located multiplied by the
26 number of feet [~~\$2 for each foot~~] of well depth, as determined in
27 the manner specified by the commission, for the [~~specified~~] well;

28 (B) if the specified well is a bay well and
29 regardless of whether the well is producing oil or gas, the amount

1 required under commission rules for a bay well that is not producing
2 oil or gas;

3 (C) if the specified well is an offshore well and
4 regardless of whether the well is producing oil or gas, the amount
5 required under commission rules for an offshore well that is not
6 producing oil or gas; or

7 (D) the payment otherwise due under the policy
8 for plugging the well bore.

9 SECTION _____. Section 91.1041(a), Natural Resources Code,
10 is amended to read as follows:

11 (a) A person required to file a bond, letter of credit, or
12 cash deposit under Section 91.103 who operates one or more wells may
13 file a bond in an amount equal to the amount determined by the
14 commission under Section 91.1043 for the oil and gas division
15 district in which each well is located multiplied by the number of
16 feet [~~\$2 for each foot~~] of well depth for each well.

17 SECTION _____. Sections 91.1042(a) and (b), Natural
18 Resources Code, are amended to read as follows:

19 (a) A person required to file a bond, letter of credit, or
20 cash deposit under Section 91.103 may file a blanket bond to cover
21 all wells for which a bond, letter of credit, or cash deposit is
22 required as follows:

23 (1) a person who operates 10 or fewer wells shall file
24 a \$35,000 [~~\$25,000~~] blanket bond;

25 (2) a person who operates more than 10 but not more
26 [~~fewer~~] than 20 [~~100~~] wells shall file a \$50,000 blanket bond;

27 (3) a person who operates more than 20 but not more
28 than 35 wells shall file a \$75,000 blanket bond;

29 (4) a person who operates more than 35 but not more
30 than 60 wells shall file a \$130,000 blanket bond;

31 (5) a person who operates more than 60 but fewer than

1 100 wells shall file a \$215,000 blanket bond; and

2 (6) [~~3~~] a person who operates 100 or more wells
3 shall file a \$250,000 blanket bond.

4 (b) Notwithstanding Subsection (a), the commission by rule
5 shall set the amount of the bond for an operator of bay or offshore
6 wells at a reasonable amount that exceeds the amount provided by
7 Subsection (a)(1), (2), [~~or~~] (3), (4), (5), or (6), as applicable.

8 SECTION _____. Subchapter D, Chapter 91, Natural Resources
9 Code, is amended by adding Section 91.1043 to read as follows:

10 Sec. 91.1043. DETERMINATION OF AVERAGE PLUGGING COSTS. At
11 the beginning of each state fiscal year, the commission shall
12 determine the average cost for each foot of well depth of plugging a
13 well located in each oil and gas division district during the
14 preceding state fiscal year.

15 SECTION _____. (a) The changes in law made by this Act apply
16 only to a person required to file a bond, letter of credit, or cash
17 deposit under Section 91.103, Natural Resources Code, on or after
18 the effective date of this Act. A person required to file a bond,
19 letter of credit, or cash deposit under Section 91.103, Natural
20 Resources Code, before the effective date of this Act is governed by
21 the law as it existed immediately before the effective date of this
22 Act, and that law is continued in effect for that purpose.

23 (b) The changes in law made by this Act apply to each well
24 for which a person is required to file a bond, letter of credit, or
25 cash deposit under Section 91.103, Natural Resources Code, on or
26 after the effective date of this Act regardless of whether the
27 person was required to file a bond, letter of credit, or cash
28 deposit under that section for the well before the effective date of
29 this Act.



17 MAR 27 AM 9:51
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Collier

Amend C.S.H.B. No. 1818 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 27.034(a), Water Code, is amended to read as follows:

(a) The railroad commission shall adopt rules and procedures reasonably required for the performance of its powers, duties, and functions under this chapter, including rules for notice and ~~[procedure of]~~ public hearings. The rules for notice shall include provisions for giving notice to local governments and affected persons. The railroad commission shall define "affected person" by rule. The rules for public hearings shall require the railroad commission to hold a public hearing in the county in which the site of a proposed injection well is located to receive public comment for consideration by the commission in determining whether to grant the application for a permit for the well.



17 MAR 27 AM 9:51

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Collier

Amend C.S.H.B. No. 1818 (house committee printing) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 27.034(a), Water Code, is amended to read as follows:

(a) The railroad commission shall adopt rules and procedures reasonably required for the performance of its powers, duties, and functions under this chapter, including rules for notice and procedure of public hearings. The rules for notice shall include provisions for giving notice to local governments and affected persons, including an operator designated by the commission of a well located within one mile of the site of a proposed injection well. The railroad commission shall define "affected person" by rule.



17 MAR 24 PM 2:17
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: DARBY

- 1 Amend C.S.H.B. No. 1818 (house committee report) as follows:
- 2 (1) On page 2, line 10, strike "an annual plan to use" and
- 3 substitute "an annual plan for each state fiscal year to use".
- 4 (2) On page 3, line 10, strike "September" and substitute
- 5 "July".
- 6 (3) On page 3, line 11, strike "preceding the year" and
- 7 substitute "preceding the state fiscal year".
- 8 (4) On page 9, line 13, strike "first year" and substitute
- 9 "first state fiscal year".
- 10 (5) On page 9, line 16, strike "2019" and substitute "the
- 11 state fiscal year beginning September 1, 2018".
- 12 (6) On page 9, line 17, strike "September" and substitute
- 13 "July".



17 MAR 27 AM 9:27
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

Donna Howard

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill and any
4 cross-references to those SECTIONS accordingly:

5 SECTION _____. Sections 81.0531(b), (c), and (d), Natural
6 Resources Code, are amended to read as follows:

7 (b) The penalty may not exceed:

8 (1) \$25,000 [~~\$10,000~~] a day for each violation that is
9 not related to pipeline safety; or

10 (2) \$200,000 a day for each violation that is related
11 to pipeline safety.

12 (c) In determining the amount of the penalty, the commission
13 shall consider the [~~permittee's history of previous violations, the~~
14 ~~seriousness of the violation, any hazard to the health or safety of~~
15 ~~the public, and the demonstrated good faith of the person charged.~~
16 ~~In determining the amount of the penalty for a violation of a~~
17 ~~provision of this title or a rule, order, license, permit, or~~
18 ~~certificate that relates to pipeline safety, the commission shall~~
19 ~~consider the~~] guidelines adopted under Subsection (d).

20 (d) The commission [~~by rule~~] shall adopt guidelines to be
21 used in determining the amount of the penalty. The commission shall
22 provide an opportunity for public input on the guidelines [~~for a~~
23 ~~violation of a provision of this title or a rule, order, license,~~
24 ~~permit, or certificate that relates to pipeline safety]~~. The
25 guidelines must [~~shall~~] include a penalty calculation worksheet
26 that specifies the typical penalty for certain violations,
27 circumstances justifying enhancement of a penalty and the amount of
28 the enhancement, and circumstances justifying a reduction in a
29 penalty and the amount of the reduction. The guidelines must

1 provide for different penalties for different violations based on
2 the seriousness of the violation and any hazard to the health or
3 safety of the public resulting from the violation. The guidelines
4 must ~~[shall]~~ take into account:

5 (1) the permittee's history of previous violations,
6 including the number of previous violations;

7 (2) the seriousness of the violation and of any
8 pollution resulting from the violation;

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

10 (4) the degree of culpability;

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

12 ~~[and]~~

13 (6) the number of times the permittee's certificate of
14 compliance issued under Subchapter P, Chapter 91, has been
15 canceled;

16 (7) any economic benefit gained through the violation;

17 (8) the penalty necessary to deter future violations;

18 and

19 (9) any other factor the commission considers
20 relevant.

21 SECTION _____. Section 81.058(d), Natural Resources Code, is
22 amended to read as follows:

23 (d) An administrative penalty imposed under this section
24 may not exceed \$25,000 ~~[\$5,000]~~ a day for each violation. Each day
25 a violation continues or occurs is a separate violation for
26 purposes of imposing a penalty under this section.

27 SECTION _____. Section 91.002(b), Natural Resources Code, is
28 amended to read as follows:

29 (b) An offense under Subsection (a) of this section is
30 punishable by a fine of not more than \$25,000 ~~[\$10,000]~~ a day for
31 each day a violation is committed.

SECTION _____. Section 27.101(a), Water Code, is amended to read as follows:

(a) A person who violates any provision of this chapter under the jurisdiction of the railroad commission, any rule of the railroad commission made under this chapter, or any term, condition, or provision of a permit issued by the railroad commission under this chapter shall be subject to a civil penalty in any sum not exceeding \$25,000 [~~\$5,000~~] for each day of noncompliance and for each act of noncompliance. A violation under the jurisdiction of the commission is enforceable as provided by Chapter 7.

SECTION _____. Section 27.1011(b), Water Code, is amended to read as follows:

(b) The penalty may not exceed \$25,000 [~~\$10,000~~] a day for each violation. Each day a violation continues may be considered a separate violation for purposes of penalty assessments.

SECTION _____. Section 27.105(a), Water Code, is amended to read as follows:

(a) A person who knowingly or intentionally violates a provision of this chapter under the jurisdiction of the railroad commission, a rule of the railroad commission, or a term, condition, or provision of a permit issued by the railroad commission under this chapter is subject to a fine of not more than \$25,000 [~~\$5,000~~] for each violation and for each day of violation. A violation under the jurisdiction of the commission is enforceable under Section 7.157.

SECTION _____. The changes in law made by this Act apply only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose. For

1 purposes of this section, a violation was committed before the
2 effective date of this Act if any element of the violation was
3 committed before that date.



17 MAR 24 PM 2:39
HOUSE OF REPRESENTATIVES

Matt Krause

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 81.0681(b), Natural Resources Code,
5 is amended to read as follows:

6 (b) The commission shall use the oil and gas regulation and
7 cleanup fund to pay for activities relating to the use of
8 alternative fuels, including direct and indirect costs relating to:

9 (1) researching all possible uses of liquefied
10 petroleum gas and natural gas as alternative fuels;

11 (2) ~~[researching, developing, and implementing~~
12 ~~marketing, advertising, and informational programs relating to~~
13 ~~alternative fuels to make alternative fuels more understandable and~~
14 ~~readily available to consumers;~~

15 ~~[(3)]~~ developing and implementing conservation and
16 distribution plans to minimize the frequency and severity of
17 disruptions in the supply of alternative fuels;

18 (3) ~~[(4)]~~ developing a public information plan that
19 will provide advisory services relating to alternative fuels to
20 consumers;

21 (4) ~~[(5)]~~ developing voluntary participation plans to
22 promote the use of alternative fuels by federal, state, and local
23 agencies; and

24 (5) ~~[(6)]~~ other functions the commission determines
25 are necessary to add a program established by the commission for the
26 purpose of promoting the use of liquefied petroleum gas, natural
27 gas, or other alternative fuels.



17 MAR 24 PM 4:40
HOUSE OF REPRESENTATIVES

Matt Krause

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee report) as follows:

2 (1) Add the following appropriately numbered SECTION to the
3 bill and renumber subsequent SECTIONS of the bill accordingly:

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

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

18 (2) On page 9, line 11, strike "Section 91.1135, Natural
19 Resources Code, is" and substitute "Sections 81.0681 and 91.1135,
20 Natural Resources Code, are".



FLOOR AMENDMENT NO. _____

17 MAR 27 AM 9:15
BY: Leach
HOUSE OF REPRESENTATIVES

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering the SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter C, Chapter 81, Natural Resources
5 Code, is amended by adding Section 81.072 to read as follows:

6 Sec. 81.072. PROHIBITION ON CERTAIN CONTRACTS. (a) In this
7 section:

8 (1) "Boycott Israel" means refusing to deal with,
9 terminating business activities with, or otherwise taking any
10 action that is intended to penalize, inflict economic harm on,
11 or limit commercial relations specifically with Israel, or with
12 a person or entity doing business in Israel or in an Israeli-
13 controlled territory, but does not include an action made for
14 ordinary business purposes.

15 (2) "Company" means a for-profit sole proprietorship,
16 organization, association, corporation, partnership, joint
17 venture, limited partnership, limited liability partnership, or
18 limited liability company, including a wholly owned subsidiary,
19 majority-owned subsidiary, parent company, or affiliate of those
20 entities or business associations that exists to make a profit.

21 (b) The commission may not enter into a contract with a
22 company for goods or services unless the contract contains a
23 written verification from the company that it:

24 (1) does not boycott Israel; and

25 (2) will not boycott Israel during the term of the
26 contract.



17 MAR 24 PM 3:18
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Lucio III

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 81.0523, Natural Resources Code, is
5 amended by amending Subsection (b) and adding Subsection (e) to
6 read as follows:

7 (b) An oil and gas operation is subject to the exclusive
8 jurisdiction of this state. Except as provided by Subsections
9 ~~[Subsection]~~ (c) and (e), a municipality or other political
10 subdivision may not enact or enforce an ordinance or other measure,
11 or an amendment or revision of an ordinance or other measure, that
12 bans, limits, or otherwise regulates an oil and gas operation
13 within the boundaries or extraterritorial jurisdiction of the
14 municipality or political subdivision.

15 (e) The commission or the Texas Commission on Environmental
16 Quality, as applicable, may authorize a municipality or other
17 political subdivision to inspect facilities used in oil and gas
18 operations for violations of, monitor facilities used in oil and
19 gas operations for compliance with, and otherwise enforce state
20 laws and regulations that apply to oil and gas operations within the
21 boundaries or extraterritorial jurisdiction of the municipality or
22 other political subdivision.



17 MAR 24 PM 3:19
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Lucio, III

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 81.0523, Natural Resources Code, is
5 amended by adding Subsection (e) to read as follows:

6 (e) Notwithstanding Subsections (b) and (c), a municipality
7 may enforce a provision of state law relating to subsurface safety
8 valves used during hurricanes or other catastrophic events if:

9 (1) there is an imminent threat of a hurricane or other
10 catastrophic event; and

11 (2) the commission has not taken action to enforce
12 that law.



Floor Amendment No. _____

17 MAR 27 AM 9:55
By: *Boaly*
HOUSE OF REPRESENTATIVES

1 Amend CSHB 1818 (House committee report) as follows:

2 (1) On page 3, between lines 12 and 13, insert the following:

3 Sec. 81.067. COMPLAINT; EQUITABLE RELIEF. (a) Any
4 person, including the federal government, may file a complaint
5 with the attorney general if the person offers evidence to
6 support an allegation that the commission has violated the
7 requirements of Title 10, Government Code, related to
8 contracting. The person must include with the complaint the
9 evidence the person has that supports the complaint.

10 (b) The commission shall comply with a document request,
11 including a request for supporting documents, from the attorney
12 general related to a complaint under Subsection (a).

13 (c) If the attorney general determines that a complaint
14 filed under Subsection (a) is valid, the attorney general shall,
15 not later than the 10th day after the date of the determination,
16 provide written notification to the commission:

17 (1) the complaint has been filed;

18 (2) the attorney general has determined that the
19 complaint is valid;

20 (3) the attorney general is authorized to file an
21 action to enjoin the violation if it is not cured before the
22 90th day after the date the notification is provided; and

23 (4) each commissioner and managerial or supervisory
24 employee of the commission who, with the intent to harm or
25 defraud another, has committed the violation is subject to a
26 civil penalty under Section 81.068.

27 (d) Not later than the 30th day after the commission
28 receives written notification under Subsection (c), the
29 commission shall provide the attorney general with a copy of:

30 (1) the commission's written policies related to
31 contracting; and

1 (2) each contract active during the same fiscal year
2 as the contract related to the complaint described by the
3 written notification under Subsection (c).

4 (e) If the attorney general determines that a complaint
5 filed under Subsection (a) is valid, the attorney general may
6 petition the chief justice of the supreme court to convene the
7 special three-judge district court described by Chapter 22A to
8 hear a petition for a writ of mandamus or other appropriate
9 equitable relief to compel the commission to cure the violation.
10 The court shall be convened in Travis County. The attorney
11 general may recover reasonable expenses incurred in obtaining
12 relief under this subsection, including court costs, reasonable
13 attorney's fees, investigative costs, witness fees, and
14 deposition costs.

15 (f) An appeal of a suit brought under Subsection (e) is
16 governed by the procedures for accelerated appeals in civil
17 cases under the Texas Rules of Appellate Procedure. The
18 appellate court shall render its final order or judgment with
19 the least possible delay.

20 Sec. 81.068. CIVIL PENALTY. (a) A commissioner or
21 managerial or supervisory employee of the commission who
22 violates, with the intent to harm or defraud another, the
23 requirements of Title 10, Government Code, related to
24 contracting is subject to a civil penalty in an amount:

25 (1) not less than \$1,000 and not more than \$1,500 for
26 the first violation; and

27 (2) not less than \$25,000 and not more than \$25,500
28 for each subsequent violation.

29 (b) Each day of a continuing violation of the requirements
30 of Title 10, Government Code, related to contracting constitutes
31 a separate violation for the civil penalty under this section.

32 (c) The three-judge district court that hears an action
33 brought under Section 81.067 against the commission shall
34 determine the amount of the civil penalty under this section.

1 (d) A civil penalty collected under this section shall be
2 deposited to the credit of the general revenue fund.

3 (e) Governmental immunity of the commission to suit is
4 waived and abolished to the extent of liability created by this
5 section.

6 Sec. 81.069. CRIMINAL OFFENSE. (a) A commissioner or
7 managerial or supervisory employee of the commission who, with
8 the intent to harm or defraud another, violates the requirements
9 of Title 10, Government Code, related to contracting commits an
10 offense.

11 (b) An offense under this section is:

12 (1) a Class C misdemeanor if the value of the
13 contract is less than \$100;

14 (2) a Class B misdemeanor if the value of the
15 contract is \$100 or more but less than \$750;

16 (3) a Class A misdemeanor if the value of the
17 contract is \$750 or more but less than \$2,500;

18 (4) a state jail felony if the value of the contract
19 is \$2,500 or more but less than \$30,000;

20 (5) a felony of the third degree if the value of the
21 contract is \$30,000 or more but less than \$150,000;

22 (6) a felony of the second degree if the value of the
23 contract is \$150,000 or more but less than \$300,000; or

24 (7) a felony of the first degree if the value of the
25 contract is \$300,000 or more.

26 (2) Add the following appropriately numbered SECTION to the
27 bill and renumber subsequent SECTIONS accordingly:

28 SECTION _____. Section 22A.001(a), Government Code, is
29 amended to read as follows:

30 (a) The attorney general may petition the chief justice of
31 the supreme court to convene a special three-judge district
32 court in any suit:

33 (1) filed in a district court in this state in which
34 this state or a state officer or agency is a defendant in a
35 claim that:

1 (A) [~~1~~] challenges the finances or operations
2 of this state's public school system; or

3 (B) [~~2~~] involves the apportionment of
4 districts for the house of representatives, the senate, the
5 State Board of Education, or the United States Congress, or
6 state judicial districts; or

7 (2) involving an alleged violation the requirements
8 of Title 10, Government Code, related to contracting by the
9 Texas Railroad Commission.



17 MAR 27 AM 9:35
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: E Rodriguez

1 Amend C.S.H.B. No. 1818 (house committee printing) by adding
2 the following appropriately numbered SECTIONS and renumbering the
3 subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Subchapter B, Chapter 81, Natural Resources
5 Code, is amended by adding Section 81.010015 to read as follows:

6 Sec. 81.010015. ELECTION AND TERMS OF COMMISSIONERS. (a)
7 The commission is composed of three commissioners elected at the
8 general election for state and county officers.

9 (b) Commissioners are elected from numbered single-member
10 districts. The boundaries of the districts are the boundaries
11 provided by law.

12 (c) Commissioners serve staggered terms of six years, with
13 the term of one commissioner expiring December 31 of each
14 even-numbered year.

15 SECTION _____. Section 81.01002, Natural Resources Code, is
16 amended to read as follows:

17 Sec. 81.01002. CHAIRMAN. One commissioner serves [~~The~~
18 ~~commissioners shall elect one commissioner~~] as the chairman. The
19 chairman of the commission serves a two-year term expiring December
20 31 of each odd-numbered year. The position of chairman rotates
21 among the commissioners in numerical order in accordance with the
22 number of the single-member district represented by the
23 commissioner. The chairman shall ensure that the commission
24 executes and implements the commission's administrative duties and
25 responsibilities.

26 SECTION _____. Sections 52.092(c) and (d), Election Code,
27 are amended to read as follows:

28 (c) Statewide offices of the state government shall be
29 listed in the following order:

1 (1) governor;
2 (2) lieutenant governor;
3 (3) attorney general;
4 (4) comptroller of public accounts;
5 (5) commissioner of the General Land Office;
6 (6) commissioner of agriculture;
7 (7) ~~[railroad commissioner,~~
8 ~~[(9)]~~ chief justice, supreme court;
9 (8) ~~[(9)]~~ justice, supreme court;
10 (9) ~~[(10)]~~ presiding judge, court of criminal
11 appeals;
12 (10) ~~[(11)]~~ judge, court of criminal appeals.

13 (d) District offices of the state government shall be listed
14 in the following order:

15 (1) member, State Board of Education;
16 (2) state senator;
17 (3) state representative;
18 (4) chief justice, court of appeals;
19 (5) justice, court of appeals;
20 (6) district judge;
21 (7) criminal district judge;
22 (8) family district judge;
23 (9) district attorney;
24 (10) criminal district attorney;
25 (11) commissioner, Railroad Commission of Texas.

26 SECTION _____. The terms of the commissioners of the
27 Railroad Commission of Texas serving on the effective date of this
28 Act expire December 31, 2018. Three commissioners of the Railroad
29 Commission of Texas shall be elected from the single-member
30 districts provided by law at the general election for state and
31 county officers in 2018. Not later than February 1, 2019, the

1 commissioners elected shall draw lots to determine which
2 commissioner's term expires December 31, 2020, which commissioner's
3 term expires December 31, 2022, and which commissioner's term
4 expires December 31, 2024. The commissioner elected from District
5 1 serves the initial term as the chairman of the commission
6 following the election.



17 MAR 27 AM 9:36

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY:

E Rodriguez

- 1 Amend C.S.H.B. No. 1818 (house committee printing) on page 1,
- 2 line 10, by striking "2029" and substituting "2023".



850889

17 MAR 27 AM 9:56
HOUSE OF REPRESENTATIVES

William R. Fisher
John Jack

Mike Zay

B. Cain

Justin E. Miller

FLOOR AMENDMENT NO. _____

BY: *M. S. [Signature]*

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) The legislature finds that it is the
5 public policy of this state that residents have a reasonable
6 expectation of privacy when using intimate facilities owned,
7 leased, or controlled by or otherwise under the authority of the
8 Railroad Commission of Texas and that protecting the safety,
9 welfare, and well-being of all Texas residents in intimate
10 facilities controlled by the commission is of the utmost priority
11 and moral obligation of this state.

12 (b) Subchapter B, Chapter 81, Natural Resources Code, is
13 amended by adding Section 81.022 to read as follows:

14 Sec. 81.022. SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOM OR
15 CHANGING FACILITY UNDER COMMISSION'S CONTROL. (a) In this
16 section:

17 (1) "Biological sex" means the physical condition of
18 being male or female, which is stated on a person's birth
19 certificate.

20 (2) "Multiple-occupancy bathroom or changing
21 facility" means a facility designed or designated for use by more
22 than one person at a time, where a person may be in a state of
23 undress in the presence of another person, regardless of whether
24 the facility provides curtains or partial walls for privacy. The
25 term includes a restroom, locker room, changing room, or shower
26 room.

27 (3) "Single-occupancy bathroom or changing facility"
28 means a facility designed or designated for use by only one person
29 at a time, where a person may be in a state of undress, including a

1 single toilet restroom with a locking door that is designed or
2 designated as unisex or for use based on biological sex.

3 (b) The commission shall require that each
4 multiple-occupancy bathroom or changing facility that is located in
5 a building owned, leased, or controlled by or otherwise under the
6 authority of the commission be designated for and used only by
7 persons of the same biological sex.

8 (c) This section does not prohibit the commission from
9 providing an accommodation, including a single-occupancy bathroom
10 or changing facility, on request due to special circumstances. The
11 commission may not provide an accommodation that allows a person to
12 use a multiple-occupancy bathroom or changing facility designated
13 for the biological sex opposite to the person's biological sex.

14 (d) A designation of a multiple-occupancy bathroom or
15 changing facility under Subsection (b) does not apply to:

16 (1) a person entering a multiple-occupancy bathroom or
17 changing facility designated for the biological sex opposite to the
18 person's biological sex:

19 (A) for a custodial purpose;

20 (B) for a maintenance or inspection purpose;

21 (C) to render medical or other emergency
22 assistance;

23 (D) to accompany a person needing assistance in
24 using the facility; or

25 (E) to receive assistance in using the facility;
26 or

27 (2) a child who is:

28 (A) younger than 10 years of age entering a
29 multiple-occupancy bathroom or changing facility designated for
30 the biological sex opposite to the child's biological sex; and

31 (B) accompanying a person caring for the child.

1 (e) If the commission violates this section, the commission
2 is liable for a civil penalty of:

3 (1) not less than \$1,000 and not more than \$1,500 for
4 the first violation; and

5 (2) not less than \$10,000 and not more than \$10,500 for
6 the second or a subsequent violation.

7 (f) Each day of a continuing violation of this section
8 constitutes a separate violation.

9 (g) A citizen of this state may file a complaint with the
10 attorney general that the commission is in violation of this
11 section only if:

12 (1) the citizen provides the commission a written
13 notice that describes the violation; and

14 (2) the commission does not cure the violation before
15 the end of the third business day after the date of receiving the
16 written notice.

17 (h) A complaint filed under this section must include:

18 (1) a copy of the written notice; and

19 (2) the citizen's sworn statement or affidavit
20 describing the violation and indicating that the citizen provided
21 the notice required by this section.

22 (i) Before bringing a suit against the commission for a
23 violation of this section, the attorney general shall investigate a
24 complaint filed under Subsection (g) to determine whether legal
25 action is warranted.

26 (j) The commission shall provide to the attorney general any
27 information the attorney general requests in connection with the
28 complaint, including:

29 (1) supporting documents related to the complaint; and

30 (2) a statement regarding whether the commission has
31 complied or intends to comply with this section.

1 (k) If the attorney general determines that legal action is
2 warranted, the attorney general shall provide the appropriate
3 officer of the commission a written notice that:

4 (1) describes the violation and location of the
5 bathroom or changing facility found to be in violation;

6 (2) states the amount of the proposed penalty for the
7 violation; and

8 (3) requires the commission to cure the violation on
9 or before the 15th day after the date the notice is received to
10 avoid the penalty, unless the commission was found liable by a court
11 for previously violating this section.

12 (l) If, after receipt of notice under Subsection (k), the
13 commission has not cured the violation on or before the 15th day
14 after the date the notice is provided under Subsection (k)(3), the
15 attorney general may sue to collect the civil penalty provided by
16 Subsection (e).

17 (m) In addition to filing suit under Subsection (l), the
18 attorney general may also file a petition for a writ of mandamus or
19 apply for other appropriate equitable relief.

20 (n) A suit or petition under this section may be filed in a
21 district court in Travis County.

22 (o) The attorney general may recover reasonable expenses
23 incurred in obtaining relief under this section, including court
24 costs, reasonable attorney's fees, investigative costs, witness
25 fees, and deposition costs.

26 (p) A civil penalty collected by the attorney general under
27 this section shall be deposited to the credit of the compensation to
28 victims of crime fund established under Subchapter B, Chapter 56,
29 Code of Criminal Procedure.

30 (q) The commission does not have any cause of action related
31 to compliance with this section.

1 (r) A court of this state does not have jurisdiction over a
2 cause of action related to compliance with this section brought by
3 the commission.

4 (s) On the motion of any party or the court's own motion, a
5 court shall dismiss a cause of action related to compliance with
6 this section brought by the commission.

7 (t) Subsections (q), (r), and (s) do not prohibit a suit or
8 petition by the attorney general under Subsection (l).

9 (u) Sovereign immunity to suit is waived and abolished to
10 the extent of liability created by this section.



850892

17 MAR 27 AM 9:56

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. (a) The legislature finds that it is the
5 public policy of this state that residents have a reasonable
6 expectation of privacy when using intimate facilities owned,
7 leased, or controlled by or otherwise under the authority of the
8 Railroad Commission of Texas and that protecting the safety,
9 welfare, and well-being of all Texas residents in intimate
10 facilities owned, leased, or controlled by or otherwise under the
11 authority of the commission is of the utmost priority and moral
12 obligation of this state.

13 (b) Subchapter B, Chapter 81, Natural Resources Code, is
14 amended by adding Section 81.022 to read as follows:

15 Sec. 81.022. SINGLE-SEX MULTIPLE-OCCUPANCY BATHROOM OR
16 CHANGING FACILITY. (a) In this section:

17 (1) "Biological sex" means the physical condition of
18 being male or female, which is stated on a person's birth
19 certificate.

20 (2) "Multiple-occupancy bathroom or changing
21 facility" means a facility designed or designated for use by more
22 than one person at a time, where a person may be in a state of
23 undress in the presence of another person, regardless of whether
24 the facility provides curtains or partial walls for privacy. The
25 term includes a restroom, locker room, changing room, or shower
26 room.

27 (3) "Single-occupancy bathroom or changing facility"
28 means a facility designed or designated for use by only one person
29 at a time, where a person may be in a state of undress, including a

1 single toilet restroom with a locking door that is designed or
2 designated as unisex or for use based on biological sex.

3 (b) The commission shall require that each
4 multiple-occupancy bathroom or changing facility located in a
5 building owned, leased, or controlled by or otherwise under the
6 authority of the commission be designated for and used only by
7 persons of the same biological sex.

8 (c) This section does not prohibit the commission from
9 providing an accommodation, including a single-occupancy bathroom
10 or changing facility, on request due to special circumstances. The
11 commission may not provide an accommodation that allows a person to
12 use a multiple-occupancy bathroom or changing facility designated
13 for the biological sex opposite to the person's biological sex.

14 (d) A designation of a multiple-occupancy bathroom or
15 changing facility under Subsection (b) does not apply to:

16 (1) a person entering a multiple-occupancy bathroom or
17 changing facility designated for the biological sex opposite to the
18 person's biological sex:

19 (A) for a custodial purpose;

20 (B) for a maintenance or inspection purpose;

21 (C) to render medical or other emergency
22 assistance;

23 (D) to accompany a person needing assistance in
24 using the facility; or

25 (E) to receive assistance in using the facility;

26 or

27 (2) a child who is:

28 (A) younger than 10 years of age entering a
29 multiple-occupancy bathroom or changing facility designated for
30 the biological sex opposite to the child's biological sex; and

31 (B) accompanying a person caring for the child.



FLOOR AMENDMENT NO. 17 MAR 27 AM 9:55

BY: M. S. J.

HOUSE OF REPRESENTATIVES

1 Amend C.S.H.B. No. 1818 (house committee report) by
2 striking all above the enacting clause and substituting the
3 following:
4 relating to the continuation and functions of the Railroad
5 Commission of Texas; providing for the imposition of fees;
6 authorizing a civil penalty.



FLOOR AMENDMENT NO. _____

By: Tinderholt

Amend C.S.H.B. 1818 (house committee report) by adding the following appropriately numbered SECTION to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION __. Section 81.052, Natural Resources Code, is amended to read as follows:

(a) The commission may adopt all necessary rules for governing and regulating persons and their operations under the jurisdiction of the commission as set forth in Section 81.051, including such rules as the commission may consider necessary and appropriate to implement state responsibility under any federal law or rules governing such persons and their operations.

(b) For purposes of complying with Subchapter D, Chapter 2161, Government Code, the commission shall adopt a rule in the manner provided by law to ensure that, in the case of determining whether a business is a "historically underutilized business" based on, at least in part, ownership by one or more women, the term "woman" or "women" shall mean the physical condition of being female, as stated on a person's birth certificate."



17 MAR 27 AM 9:43

HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

Chris T...

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 27.034(a), Water Code, is amended to
5 read as follows:

6 (a) The railroad commission shall adopt rules and
7 procedures reasonably required for the performance of its powers,
8 duties, and functions under this chapter, including rules for
9 notice and ~~[procedure of]~~ public hearings. The rules for notice
10 shall include provisions for giving notice to local governments and
11 affected persons. The railroad commission shall define "affected
12 person" by rule. The rules for public hearings shall require the
13 railroad commission to hold a public hearing in the municipality in
14 which the site of a proposed injection well is located if:

15 (1) the municipality has a population of 150,000 or
16 more; and

17 (2) a member of the legislature whose district
18 includes all or part of the territory of the municipality requests
19 that the railroad commission hold a public hearing.



17 MAR 27 AM 9:43
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 81.0523, Natural Resources Code, is
5 amended by adding Subsection (e) to read as follows:

6 (e) Notwithstanding Subsections (b) and (c), a municipality
7 or other political subdivision that enacted an ordinance or other
8 measure before May 18, 2015, that prohibited, limited, or regulated
9 the drilling or use of oil and gas waste disposal wells in the
10 territory of the municipality or other political subdivision may
11 notify the commission that a permit application pending before the
12 commission proposes to drill or use a well that would have been
13 prohibited, limited, or regulated under the ordinance or other
14 measure. Notwithstanding Chapter 27, Water Code, if the commission
15 receives notice under this section, the commission may not issue
16 the permit unless the permit complies with the former ordinance or
17 measure identified in the notice.



17 MAR 27 AM 9:42
HOUSE OF REPRESENTATIVES

Chris T...

FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 1818 (house committee report) by adding
2 the following appropriately numbered SECTION to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

4 SECTION _____. Section 27.031, Water Code, is amended to read
5 as follows:

6 Sec. 27.031. PERMIT FROM RAILROAD COMMISSION. (a) No
7 person may continue using a disposal well or begin drilling a
8 disposal well or converting an existing well into a disposal well to
9 dispose of oil and gas waste without first obtaining a permit from
10 the railroad commission.

11 (b) The railroad commission may not issue a permit for a
12 disposal well under this section unless the railroad commission
13 ensures that the well will not be located within three miles of a
14 dam, lake, or reservoir.



17 MAR 27 AM 9:29
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: _____

A.R. Wall

1 Amend C.S.H.B. No. 1818 (house committee printing) as
2 follows:

3 (1) On page 5, line 8, strike "Section 81.071" and
4 substitute "Sections 81.071 and 81.072".

5 (2) On page 6, between lines 19 and 20, insert the
6 following:

7 Sec. 81.072. ENFORCEMENT INFORMATION. (a) The commission
8 shall post on the commission's Internet website:

9 (1) comprehensive information regarding the
10 commission's enforcement of this title and rules, orders, licenses,
11 permits, and certificates issued under this title, including
12 information regarding:

13 (A) inspection and enforcement activity;

14 (B) violations; and

15 (C) the amount of penalties finally assessed;

16 (2) information evidencing quarterly trends regarding
17 enforcement activity by the commission, including:

18 (A) the number of complaints received and the
19 manner in which they were resolved;

20 (B) the total number of inspections conducted,
21 the number of inspections conducted following the receipt of a
22 complaint, and the number of inspections conducted on the
23 commission's own initiative;

24 (C) the number of violations, categorized
25 according to the degree of severity of the violation and the
26 statute, rule, order, license, permit, or certificate violated, for
27 which enforcement action has been taken;

28 (D) the number of repeat violations determined to
29 have been committed; and

1 (E) the number of violations referred to the
2 attorney general for enforcement; and

3 (3) an analysis of annual trends regarding complaints
4 filed with the commission and enforcement activity by the
5 commission.

6 (b) Information required to be posted under this section
7 must be:

8 (1) in a searchable format;

9 (2) organized by county, by operator or other entity,
10 and by well, if applicable; and

11 (3) capable of being downloaded in bulk.

12 (3) Add the following appropriately numbered SECTION to the
13 bill and renumber the subsequent SECTIONS of the bill accordingly:

14 SECTION _____. The Railroad Commission of Texas shall comply
15 with Section 81.072, Natural Resources Code, as added by this Act,
16 not later than January 1, 2019.