

## **BILL ANALYSIS**

Senate Research Center  
80R3874 SMH-D

S.B. 1592  
By: Hinojosa  
Natural Resources  
4/2/2007  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

As proposed, S.B. 1592 requires petroleum-based contamination of soil that is observed or detected by a common carrier or an owner or operator of a pipeline to be reported to the Railroad Commission of Texas (commission) and to the owner of the land on which the pipeline is located or an occupant of the land. The bill authorizes a common carrier or an owner or operator of a pipeline who does not know the identity of an owner of the land where the contamination is present to fulfill the requirement under this subsection by reporting the contamination to the first person who is shown on the appraisal roll of the appraisal district establish for the county in which the land is located as owning an interest in the surface estate of the land at the time the report is required to be made. In addition, the bill requires the report be made if at least five cubic yards of soil have been affected by hydrocarbons.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to any state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 81.056(a)(2), Natural Resources Code, to redefine "owner of the land."

SECTION 2. Amends Section 81.056, Natural Resources Code, by amending Subsections (b) and (d) and adding Subsections (a-1), (c-1), and (c-2), as follows:

(a-1) Requires a common carrier or an owner or operator of a pipeline to report contamination under this section only if the common carrier or pipeline owner or operator is not required to report the contamination under another law under the jurisdiction of the Railroad Commission of Texas (commission) or a commission rule adopted under such a law.

(b) Requires a common carrier or an owner or operator of a pipeline who in the process of placing, repairing, replacing, or maintaining a pipeline observes or detects any petroleum-based contamination of soil or water in proximity to the pipeline to report the contamination to the commission and to an owner of the land on which the pipeline is located or an occupant of the land. Authorizes the common carrier or an owner or operator of a pipeline who does not know the identity of an owner of the land where the contamination is present to fulfill the requirement under this subsection by reporting the contamination to the first person who is shown on the appraisal roll of the appraisal district established for the county in which the land is located as owning an interest in the surface estate of the land at the time the report is required to be made. Requires petroleum-based contamination of soil that is observed or detected to be reported if at least five cubic, rather than linear, yards of soil have been affected by hydrocarbons.

(c-1) Provides that the deadline for a report that is required to be filed on a weekend, legal holiday, or day on which the appraisal roll of the appraisal district established for the county in which the tract of land is located is not available is extended to the same time on the first day that is not such a day, notwithstanding Subsection (c)(1).

(c-2) Authorizes the report to be made by first-class mail under certain conditions. Requires the notice to be postmarked not later than the date required by Subsection (c)(1), as extended by Subsection (c-1), if applicable.

(d) Requires a person who has entered into an agreement with the commission to collect samples on behalf of the commission, rather than a person authorized by the commission, to withdraw a soil sample, by a certain time period.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2007.