

BILL ANALYSIS

Senate Research Center
80R12371 SMH-F

C.S.S.B. 1592
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Natural Resources
4/12/2007
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

C.S.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 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 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.

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), (a-2), (c-1), and (c-2), as follows:

(a-1) Provides that this section does not apply to contamination that is in proximity to a gathering line or a pipeline that is located entirely within a tract that is subject to an oil or gas lease.

(a-2) Requires a common carrier or an owner or operator of a pipeline to report contamination under Subsection (b) unless the common carrier or pipeline owner or operator is required to report the contamination under another law under the jurisdiction of the Railroad Commission of Texas (commission) or a commission rule adopted under another statute. Provides that the common carrier or pipeline owner or operator is not required to report the contamination under Subsection (b) if required to do so under another statute or commission rule.

(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 subsurface 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.

(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. Reenacts Section 81.056(e), Natural Resources Code, as added by Chapter 339, Acts of the 79th Legislature, Regular Session, 2005, to provide that a common carrier or pipeline owner or operator that makes a contamination report under this section is released from all liability for the contamination or the cleanup of the contamination covered by the report, except for any contamination caused by the common carrier or pipeline owner or operator.

SECTION 4. Repealer: Section 81.056(g) (prohibits the commission from using money in the oil-field cleanup fund to implement this section), Natural Resources Code.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Provides that Section 81.056(e), Natural Resources Code, as reenacted, takes effect only if this Act receives a three-fifths vote in each house.

SECTION 7. Effective date: September 1, 2007.