

BILL ANALYSIS

Senate Research Center

S.B. 1711
By: Brown
Natural Resources
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As Filed

DIGEST

Currently, certain provisions apply to the General Land Office, the Texas Railroad Commission, and the Texas Natural Resource Conservation Commission in instances involving oil spills. Because several agencies maintain responsibility for oil spill prevention and response activities in Texas, it is often difficult to establish what agencies have jurisdiction for each incident. This bill sets forth requirements to transfer to the Texas Railroad Commission of Texas certain powers relating to the responsibility for responding to and cleaning up certain oil discharges in coastal areas.

PURPOSE

As proposed, S.B. 1711 sets forth requirements to transfer certain powers to the Texas Railroad Commission relating to the responsibility for responding to and cleaning up certain oil discharges in coastal areas.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 40.002(c), Natural Resources Code, to provide that the legislature intends by this chapter to exercise the police power of the state to protect its coastal waters and adjacent shorelines by conferring upon the Railroad Commission of Texas, rather than the Commissioner of the General Land Office, the power to perform certain function.

SECTION 2. Amends Section 40.003(3), Natural Resources Code, to define "commission," rather than "commissioner."

SECTION 3. Amends Chapter 40A, Natural Resources Code, by adding Section 40.0025, as follows:

Sec. 40.0025. TRANSFER OF POWERS AND DUTIES TO RAILROAD COMMISSION OF TEXAS. Provides that a reference in this chapter to the commissioner of the Railroad (commissioner), the Commissioner of the General Land Office, or the General Land Office means the Railroad Commission of Texas (commission).

SECTION 4. Amends Sections 40.004-40.007, Natural Resources Code, as follows:

Sec. 40.004. ADMINISTRATION OF OIL SPILL RESPONSE AND CLEANUP. Provides that the commission, rather than the General Land Office, under the direction and control of the commissioner, is the state's lead agency for response to oil cleanup. Requires the commission, rather than the commissioner, to administer this chapter. Makes a conforming change.

Sec. 40.005. ADMINISTRATION OF HAZARDOUS SUBSTANCE SPILL RESPONSE AND CLEANUP. Makes a conforming change.

Sec. 40.006. INTERAGENCY COUNCIL. Deletes the Railroad Commission of Texas as

an agency comprising the cooperative council. Requires a member of the commission appointed by the commission, rather than the commissioner, to serve as chairperson.

Sec. 40.007. GENERAL POWERS AND DUTIES. Makes conforming changes.

SECTION 5. Amends Sections 40.053(a),(b) and (d), Natural Resources Code, to delete proposed text requiring the commissioner to cooperate and consult with the commission in promulgating provisions of a state coastal discharge contingency plan of response (plan) relating to the exercise of authority by the commission. Deletes a provision setting forth the provisions of the plan in the event of an unauthorized discharge of oil. Requires the commission to establish regional response committees with certain persons composing the membership of each committee, rather than staff from the General Land Office. Makes conforming changes.

SECTION 6. Amends Section 40.152, Natural Resources Code, as follows:

Sec. 40.152. USE OF FUND. Deletes a provision appropriating certain amounts from the fund to the General Land Office, subject to certain provisions.

SECTION 7. Repealers: Sections 40.008 and 40.303, Natural Resources Code (Railroad Commission Authority, Oil Spill Oversight Council).

SECTION 8. (a) Effective date: September 1, 1997.

(b)-(e) Sets forth provisions for the transfer of certain authority and responsibilities from the General Land Office to the Railroad Commission of Texas.

SECTION 9. Emergency clause.