

BILL ANALYSIS

Senate Research Center

C.S.H.B. 1931
By: Capelo (Williams)
Natural Resources
5/21/2003
Committee Report (Substituted)

DIGEST AND PURPOSE

The Texas Natural Resources Code requires at least 30 days notice and an opportunity for public comment before a pipeline project can be built, if that pipeline crosses more than three counties, and prohibits the Texas Railroad Commission from issuing the permit until said comments have been considered. C.S.H.B. 1931 repeals the existing provisions requiring at least 30 days notice and an opportunity for public comment before a pipeline project can be built and amends certain subsections in the Texas Natural Resources Code.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 117.012, Natural Resources Code, by amending Subsections (h), (i), and (k) and adding Subsections (l) and (m), as follows:

- (h) Authorizes an operator or the operator's representative to conduct required community liaison activities as provided by Subsection (i) only if the operator or the operator's representative has made an effort, by one of three certain methods, to conduct a community liaison meeting in person with the officials.
- (i) Makes conforming changes.
- (k) Requires the Texas Railroad Commission (TRC) by rule to require the owner or operator of each intrastate hazardous liquid or carbon dioxide pipeline facility any part of which is located within 1,000 feet of a public school building containing classrooms, or within 1,000 feet of another public school facility where students congregate, to perform certain acts.
- (l) Requires a pipeline operator or the operator's representative to appear at a regularly scheduled meeting of the school board to explain the items listed in Subsection (k) if requested by the school board or school district.
- (m) Prohibits TRC from requiring the release of parts of an emergency response plan that include security sensitive information including maps or data. Requires security sensitive information to be made available for review by but not provided to the school board.

SECTION 2. (a) Amends Chapter 756, Health and Safety Code, by adding Subchapter G, as follows:

SUBCHAPTER G. CONSTRUCTION AFFECTING PIPELINE EASEMENTS AND RIGHTS-OF-WAY

Sec. 756.101. DEFINITIONS. Defines “construction,” “constructor,” and “pipeline facility.”

Sec. 756.102. APPLICABILITY. Provides that this subchapter applies to a construction or the repair, replacement, or maintenance of a construction unless there is a written agreement, including a Texas Department of Transportation right-of-way agreement, to the contrary between the owner or operator of the affected pipeline facility and the person that places or causes a construction to be placed on the easement or right-of-way of a pipeline facility.

Sec. 756.103. PROHIBITION OF CONSTRUCTION WITHOUT NOTICE. Prohibits a person from building, repairing, replacing, or maintaining a construction on, across, over, or under the easement or right-of-way for a pipeline facility unless notice of the construction is given the operator of the pipeline facility and other circumstances apply.

(b) Makes application of Subchapter G, Chapter 756, Health and Safety Code, as added by this SECTION, prospective.

SECTION 3. Repealer: Section 81.056 (Pipeline Construction and Operation Public Notification), Natural Resources Code.

SECTION 4. Provides that this Act applies to a permit application that is pending with TRC on the effective date of this Act or filed with TRC after that date.

SECTION 5. Effective date: upon passage or September 1, 2003.