

1-1 By: Anchia, et al. H.B. No. 866
1-2 (Senate Sponsor - Birdwell, Johnson)
1-3 (In the Senate - Received from the House May 6, 2019;
1-4 May 7, 2019, read first time and referred to Committee on Natural
1-5 Resources & Economic Development; May 17, 2019, reported favorably
1-6 by the following vote: Yeas 11, Nays 0; May 17, 2019, sent to
1-7 printer.)

1-8 COMMITTEE VOTE

1-9		Yea	Nay	Absent	PNV
1-10	<u>Birdwell</u>	X			
1-11	<u>Zaffirini</u>	X			
1-12	<u>Fallon</u>	X			
1-13	<u>Flores</u>	X			
1-14	<u>Hancock</u>	X			
1-15	<u>Hinojosa</u>	X			
1-16	<u>Hughes</u>	X			
1-17	<u>Miles</u>	X			
1-18	<u>Paxton</u>	X			
1-19	<u>Powell</u>	X			
1-20	<u>Rodríguez</u>	X			

1-21 A BILL TO BE ENTITLED
1-22 AN ACT

1-23 relating to the installation, removal, and replacement of certain
1-24 gas pipelines; clarifying changes to related administrative
1-25 penalties.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections [121.206](#)(a) and (d), Utilities Code, are
1-28 amended to read as follows:

1-29 (a) The railroad commission may assess an administrative
1-30 penalty against a person who violates Section [121.201](#) or a safety
1-31 standard or other rule prescribed or adopted under this subchapter
1-32 [~~that section~~].

1-33 (d) The railroad commission by rule shall adopt guidelines
1-34 to be used in determining the amount of a penalty under this
1-35 subchapter. The guidelines shall include a penalty calculation
1-36 worksheet that specifies the typical penalty for certain
1-37 violations, circumstances justifying enhancement of a penalty and
1-38 the amount of the enhancement, and circumstances justifying a
1-39 reduction in a penalty and the amount of the reduction. The
1-40 guidelines shall take into account:

1-41 (1) the person's history of previous violations of
1-42 Section [121.201](#) or a safety standard or other rule prescribed or
1-43 adopted under this subchapter [~~that section~~], including the number
1-44 of previous violations;

1-45 (2) the seriousness of the violation and of any
1-46 pollution resulting from the violation;

1-47 (3) any hazard to the health or safety of the public;

1-48 (4) the degree of culpability;

1-49 (5) the demonstrated good faith of the person charged;

1-50 and

1-51 (6) any other factor the commission considers
1-52 relevant.

1-53 SECTION 2. Subchapter E, Chapter [121](#), Utilities Code, is
1-54 amended by adding Section [121.213](#) to read as follows:

1-55 Sec. 121.213. INSTALLATION, REMOVAL, AND REPLACEMENT OF
1-56 CERTAIN PIPELINES. (a) In this section, "distribution gas
1-57 pipeline facility" means a pipeline facility that distributes
1-58 natural gas directly to end-use customers.

1-59 (b) A distribution gas pipeline facility operator may not
1-60 install as part of the operator's underground system a cast iron,
1-61 wrought iron, or bare steel pipeline.

