

1-1 By: Miles S.B. No. 185  
 1-2 (In the Senate - Filed November 14, 2018; February 1, 2019,  
 1-3 read first time and referred to Committee on Natural Resources &  
 1-4 Economic Development; May 6, 2019, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 11,  
 1-6 Nays 0; May 6, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 185 By: Miles

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

1-23 relating to the response to certain oil or gas well accidents by  
 1-24 state agencies and responsible parties.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subchapter D, Chapter 91, Natural Resources  
 1-27 Code, is amended by adding Sections 91.118 and 91.119 to read as  
 1-28 follows:

1-29 Sec. 91.118. NOTICE TO COMMISSION OF WELL FIRE, LEAK,  
 1-30 SPILL, OR BREAK. (a) An operator of an oil or gas well shall:

1-31 (1) give immediate notice of a fire, leak, spill, or  
 1-32 break at the well to the appropriate commission oil and gas division  
 1-33 district office; and

1-34 (2) submit to the commission a letter giving a full  
 1-35 description of the event, including the volume of crude oil, gas, or  
 1-36 other well liquids or gases lost.

1-37 (b) This section does not limit the authority of the  
 1-38 commission to require other types of notice from operators.

1-39 Sec. 91.119. APPLICATION FOR PERMIT FOR WELL ADJACENT TO  
 1-40 WELL BLOWOUT SITE. (a) In the case of a conflict between this  
 1-41 section and Section 91.114, this section controls.

1-42 (b) Except as provided by Subsection (e), the commission may  
 1-43 not approve an application for a permit to drill an oil or gas well  
 1-44 if:

1-45 (1) the organization that submitted the application  
 1-46 violated a statute or commission rule, order, license, certificate,  
 1-47 or permit that relates to safety or the prevention or control of  
 1-48 pollution or is under investigation by a state or federal agency for  
 1-49 an alleged violation of a statute or commission rule, order,  
 1-50 license, certificate, or permit that relates to safety or the  
 1-51 prevention or control of pollution;

1-52 (2) the violation or alleged violation described by  
 1-53 Subdivision (1) relates to an uncontrolled release from an oil or  
 1-54 gas well of a substance that substantially endangered human health  
 1-55 or the environment; and

1-56 (3) the well that is the subject of the application is  
 1-57 proposed to be drilled at a site adjacent to the site of the  
 1-58 violation or alleged violation described by Subdivision (1).

1-59 (c) An organization has committed a violation for purposes  
 1-60 of Subsection (b)(1) of this section if the circumstances described

2-1 by Section 91.114(b) have been met with respect to the violation.  
2-2 (d) The commission may adopt rules if necessary to establish  
2-3 criteria for determining whether a site is adjacent to another site  
2-4 for the purposes of this section.

2-5 (e) The commission may approve the application if:  
2-6 (1) the conditions that constituted the violation have  
2-7 been corrected;  
2-8 (2) the organization has paid all administrative,  
2-9 civil, and criminal penalties and all cleanup and plugging costs  
2-10 incurred by the state relating to those conditions; and  
2-11 (3) the application is in compliance with all other  
2-12 requirements of law and commission rules.

2-13 (f) If an application is rejected under this section, the  
2-14 commission shall provide the organization with a written statement  
2-15 explaining the reason for the rejection.

2-16 (g) Notwithstanding Subsection (b), the commission may  
2-17 issue a permit to drill an oil or gas well to an organization  
2-18 described by Subsection (b) for a term specified by the commission  
2-19 if the permit is necessary to remedy a violation of law or  
2-20 commission rules.

2-21 (h) A fee tendered in connection with an application that is  
2-22 rejected under this section is nonrefundable.

2-23 SECTION 2. Section 91.119, Natural Resources Code, as added  
2-24 by this Act, applies only to an application for a permit to drill an  
2-25 oil or gas well filed with the Railroad Commission of Texas on or  
2-26 after the effective date of this Act. An application for a permit  
2-27 filed before the effective date of this Act is governed by the law  
2-28 in effect on the date of filing, and that law is continued in effect  
2-29 for that purpose.

2-30 SECTION 3. This Act takes effect September 1, 2019.

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