

CHAPTER 978

H.B. No. 2431

An Act relating to filing with and disclosure by the Railroad Commission of Texas of certain electric logs.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Chapter 91, Natural Resources Code, is amended by adding Subchapter M to read as follows:

SUBCHAPTER M. ELECTRIC LOGS

Sec. 91.551. DEFINITIONS. (a) In this subchapter:

(1) "Well" means a well being drilled for exploration for oil or gas or both oil and gas.

(2) "Electric log" means a wireline survey, except dipmeter surveys and seismic wireline surveys, run in an open hole or a cased hole of a well for purposes of obtaining geological information.

(b) In this subchapter, "person" includes a successor in interest.

Sec. 91.552. ELECTRIC LOGS REQUIRED TO BE FILED; CRITERIA. (a) Except as otherwise provided by this subchapter, at the time a person files with the commission a completion report for a well or, in the case of a dry hole, an application to plug a well, the person shall also file with the commission a copy of a basic electric log made after September 1, 1985, in conjunction with the drilling of the well that meets basic criteria established by the commission.

(b) The commission by rule shall establish criteria for basic electric logs to be filed with the commission.

Sec. 91.553. AVAILABILITY OF ELECTRIC LOGS. (a) Except as specifically provided by this section, each electric log filed with the commission under this subchapter is not confidential and is public information under Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

(b) At the time an electric log is required to be filed with the commission under Section 91.552 of this code, the person required to file the electric log may file a written request with the commission asking that the electric log remain confidential and not be made available as public information. On filing this request, the electric log or copy of the electric log required to be filed with the commission may be retained by the person required to file the electric log, and the electric log may remain in the possession of the person for the period of confidentiality and any extensions of that period. On filing of the request for confidentiality, the electric log becomes confidential and remains confidential for a period of one year after the date that the electric log is required to be filed with the commission.

(c) If an electric log is made confidential under Subsection (b) of this section, the person who is required to file the electric log is entitled to have the period of confidentiality extended once for an additional period of two years. The commission shall grant the two-year extension on written request of the person who is required to file the electric log. The written request must be made to the commission before the one-year period of confidentiality under Subsection (b) of this section expires.

(d) If an electric log is made confidential under Subsection (b) of this section and the log was run in a well drilled on land submerged in state water, the person who is required to file the electric log is entitled to have the period of confidentiality extended for not more than two additional periods of two years each. The commission shall grant the extension or extensions on written request of the person who is required to file the electric log. The written request must be made to the commission before the expiration of the one-year period of confidentiality under Subsection (b) of this section or the expiration of the first extension granted under this subsection.

(e) A person required to file an electric log under this section who has held the log during a period of confidentiality or any extensions of that period shall file the log with the commission within 30 days after the conclusion of the period of confidentiality or the period of the last extension.

Sec. 91.554. AVAILABILITY OF CONFIDENTIAL ELECTRIC LOGS. If the commission requires an electric log to be filed before the expiration of a period of confidentiality, the commission shall make that electric log available for inspection during the period of confidentiality only to:

- (1) a person authorized in writing by the person who filed the electric log with the commission; and
- (2) members of the commission and its employees in the exercise of their powers and duties under this code.

Sec. 91.555. MANAGEMENT AND STORAGE OF ELECTRIC LOGS. The commission may contract with any person for the management and storage of the electric logs filed with the commission.

Sec. 91.556. DENIAL OF ALLOWABLE. If a person fails to file an electric log as required by this subchapter, the commission may refuse to assign an allowable or a change in allowable for production from the well for which the electric log is required until that person files the electric log with the commission.

SECTION 2. Subsection (a), Section 3, Chapter 424, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes), that is in effect until January 1, 1986, is amended to read as follows:

(a) All information collected, assembled, or maintained by governmental bodies pursuant to law or ordinance or in connection with the transaction of official business is public information and available to the public during normal business hours of any governmental body, with the following exceptions only:

- (1) information deemed confidential by law, either Constitutional, statutory, or by judicial decision;
- (2) information in personnel files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; provided, however, that all information in personnel files of an individual employee within a governmental body is to be made available to that individual employee or his designated representative as is public information under this Act;
- (3) information relating to litigation of a criminal or civil nature and settlement negotiations, to which the state or political subdivision is, or may be, a party, or to which an officer or employee of the state or political subdivision, as a consequence of his office or employment, is or may be a party, that the attorney general or the respective attorneys of the various political subdivisions has determined should be withheld from public inspection;
- (4) information which, if released, would give advantage to competitors or bidders;
- (5) information pertaining to the location of real or personal property for public purposes prior to public announcement of the project, and information pertaining to appraisals or purchase price of real or personal property for public purposes prior to the formal award of contracts therefor;
- (6) drafts and working papers involved in the preparation of proposed legislation;
- (7) matters in which the duty of the Attorney General of Texas or an attorney of a political subdivision, to his client, pursuant to the Rules and Canons of Ethics of the State Bar of Texas are prohibited from disclosure, or which by order of a court are prohibited from disclosure;
- (8) records of law enforcement agencies that deal with the detection and investigation of crime and the internal records and notations of such law enforcement agencies which are maintained for internal use in matters relating to law enforcement;

(9) private correspondence and communications of an elected office holder relating to matters the disclosure of which would constitute an invasion of privacy;

(10) trade secrets and commercial or financial information obtained from a person and privileged or confidential by statute or judicial decision;

(11) inter-agency or intra-agency memorandums or letters which would not be available by law to a party other than one in litigation with the agency;

(12) information contained in or related to examination, operating, or condition reports prepared by, on behalf of, or for the use of an agency responsible for the regulation or supervision of financial institutions, and/or securities, as that term is defined in the Texas Securities Act;

(13) geological and geophysical information and data including maps concerning wells, except information filed in connection with an application or proceeding before any agency or an electric log confidential under Subchapter M, Natural Resources Code;

(14) student records at educational institutions funded wholly, or in part, by state revenue; but such records shall be made available upon request of educational institution personnel, the student involved, that student's parent, legal guardian, or spouse or a person conducting a child abuse investigation required by Section 34.05, Family Code;

(15) birth and death records maintained by the Bureau of Vital Statistics in the State of Texas;

(16) the audit working papers of the State Auditor;

(17) the home addresses and home telephone numbers of peace officers as defined by Article 2.12, Code of Criminal Procedure, 1965, as amended, or by Section 51.212, Texas Education Code; and

(18) information contained on or derived from triplicate prescription forms filed with the Department of Public Safety pursuant to Section 3.09 of the Texas Controlled Substances Act, as amended (Article 4476-15, Vernon's Texas Civil Statutes).

SECTION 3. This Act does not affect the operation of Section 9, Chapter 570, Acts of the 67th Legislature, Regular Session, 1981.

SECTION 4. This Act applies only to completion reports and applications to plug wells filed with the Railroad Commission of Texas on or after the effective date of this Act and to electric logs and copies of electric logs made on or after the effective date of this Act. Completion reports and applications to plug wells filed before the effective date of this Act are governed by the law under which they were filed, and that law is continued in effect for that purpose.

SECTION 5. This Act takes effect on September 1, 1985.

SECTION 6. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 16, 1985, by a non-record vote; House concurred in Senate amendments to H.B. No. 2431 on May 27, 1985, by a non-record vote; passed by the Senate, with amendments, on May 26, 1985, by a viva-voce vote.

Filed: June 16, 1985, without signature.

Effective: September 1, 1985