

CHAPTER 28

S.B. No. 468

AN ACT

relating to the regulation of the transportation of carbon dioxide.

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

SECTION 1. The heading of Chapter 117, Natural Resources Code, is amended to read as follows:

CHAPTER 117. HAZARDOUS LIQUID OR CARBON DIOXIDE

PIPELINE TRANSPORTATION INDUSTRY

SECTION 2. Subdivisions (3) and (4), Section 117.001, Natural Resources Code, are amended to read as follows:

(3) "Transportation of hazardous liquids or carbon dioxide" means the movement of hazardous liquids or carbon dioxide by pipeline, or their storage incidental to movement, except that it does not include any such movement through gathering lines in rural locations or production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of those facilities.

(4) "Pipeline facilities" includes new and existing pipe, rights-of-way, and any equipment, facility, or building used or intended for use in the transportation of hazardous liquids or carbon dioxide.

SECTION 3. Section 117.011, Natural Resources Code, is amended to read as follows:

Sec. 117.011. JURISDICTION. The commission has jurisdiction over all pipeline transportation of hazardous liquids or carbon dioxide and over all hazardous liquid or carbon dioxide pipeline facilities as provided in the Hazardous Liquid Pipeline Safety Act of 1979 (Pub.L.No. 96-129).

SECTION 4. Subsections (a) and (b), Section 117.012, Natural Resources Code, are amended to read as follows:

(a) The commission shall adopt rules that include safety standards for and practices applicable to the intrastate transportation of hazardous liquids or carbon dioxide by pipeline and intrastate hazardous liquid or carbon dioxide pipeline facilities.

(b) Rules that adopt safety standards do not apply to movement of hazardous liquids or carbon dioxide through gathering lines in rural locations or production, refining, or manufacturing facilities or storage or in-plant piping systems associated with any of those facilities.

SECTION 5. Subsections (a) and (c), Section 117.013, Natural Resources Code, are amended to read as follows:

(a) Each owner or operator of a pipeline engaged in the transportation of hazardous liquids or carbon dioxide within this state shall maintain records, make reports, and provide any information the commission may require under the jurisdiction granted by the Hazardous Liquid Pipeline Safety Act of 1979 (Pub.L.No. 96-129) and this chapter.

(c) The commission may require the owners or operators of hazardous liquid or carbon dioxide pipeline facilities to prepare and make available for inspection by its employees or agents or file for approval a procedural manual for each such facility in accordance with the requirements of Title 49, Part 195.402, Code of Federal Regulations.

SECTION 6. Subsection (a), Section 117.014, Natural Resources Code, is amended to read as follows:

(a) The commission and its employees and designated agents may enter property on which is located pipeline facilities or any other property relating to the transportation of hazardous liquids or carbon dioxide by pipeline and may inspect and examine the records and property to the extent relevant to determine if a person is acting in compliance with this chapter and rules adopted by the commission under this chapter.

SECTION 7. Subsection (b), Section 117.101, Natural Resources Code, is amended to read as follows:

(b) Except as provided by Subsection (c) of this section, a city may not adopt or enforce an ordinance that establishes safety standards or practices applicable to the pipeline transportation of hazardous liquids or carbon dioxide or hazardous liquid or carbon dioxide pipeline facilities that are subject to regulation by federal or state law.

SECTION 8. This Act takes effect September 1, 1993.

SECTION 9. 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 the Senate on March 11, 1993, by a viva-voce vote; passed the House on April 5, 1993, by a non-record vote.

Approved April 13, 1993.

Effective Sept. 1, 1993.