

# **Benjamin W. Sebree**

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Ben Sebree is an accomplished attorney, lobbyist, businessman, manager, and expert in the oil and gas field. Having served as Vice President and General Counsel for TxOGA and as a member of the Governing Council of the Oil, Gas and Energy Law section of the State Bar of Texas, Sebree's legal knowledge and expertise is recognized and sought after at the state, national, and international levels. As TxOGA's Vice President for Governmental Affairs for over twenty years, Sebree was highly respected for his leadership, knowledge, effectiveness, accountability, connections, instincts, coalition building, committee management, negotiation abilities, plus communication and testimony skills.

His successful work managing the governmental affairs division of TxOGA, his leadership and skillful handling of the association's complex committee structure and diverse personalities, plus his success managing his own businesses have provided him with unique management experience. His highly respected tenure in the Austin lobby, and his reputation for integrity, intelligence, and fairness have accorded him an unusual longevity of positive relationships with elected officials.

## **CURRENT BUSINESS ACTIVITIES**

Ben Sebree is an attorney with a practice focused on oil and gas, governmental, regulatory, energy, and environmental counsel, advocacy, and lobbying with Sebree & Tintera, LLC, and Sebree Solutions, Inc.

Mr. Sebree represents numerous clients before the Texas Legislature, the Railroad Commission of Texas, the Texas Commission on Environmental Quality, the Comptroller of Public Accounts, the General Land Office, various other agencies, manages an active oil and gas practice, and consults with governmental officials and private firms both nationally and internationally.

### **SEBREE & TINTERA, LLC. (2012 to Present)**

Ben Sebree's business partner is John Tintera, former Executive Director of the Railroad Commission of Texas. Their firm specializes in representing oil, gas, pipeline, energy, and refining and marketing clients before the Texas Legislature, the Railroad Commission of Texas, and the Texas Commission on Environmental Quality. They also engage in an active oil and gas practice.

In addition to Texas, government officials and private firms both nationally and internationally seek out Sebree & Tintera for advice and guidance. As unconventional shale oil and gas production expands globally, other states and nations who want to learn from the Texas experience request the assistance of Sebree & Tintera. As two of the chief architects of Texas oil and gas laws and regulations, Sebree & Tintera consult in other states and nations regarding how to build statutory and regulatory programs for the development of their mineral resources. Specifically, they help design such laws and programs in a way that is protective of human health and the environment, meets the needs of the regulators and their citizens, but is also efficient, predictable, and profitable for the oil and gas industry. Accordingly, Sebree & Tintera

have consulted with officials and firms in Washington, D.C., New Mexico, New York, Spain, Basque, Romania, Ukraine, and Vietnam.

**SEBREE SOLUTIONS, INC. (2012 to Present)**

Mr. Sebree is the principal of this boutique lobbying firm representing several Fortune 100 companies, including clients in the upstream, mid-stream, and downstream sectors of the oil and gas industry, trade associations, and other clients. Legislative and regulatory representation include issues regarding oil and gas, state and local taxation, energy, environmental, pipelines, refining and marketing, water policy and regulation, economic development and incentives, securities and financial consulting, conservation, land use and management, eminent domain, and transportation.

**TEXAS WATER RECYCLING ASSOCIATION (2012 to Present)**

Mr. Sebree, along with his partner, created from the ground up a new trade association called the Texas Water Recycling Association ["TWRA"]. The mission of TWRA is be the voice of the Texas water recycling industry providing coordinated and focused outreach to government officials, the public, the media, and stakeholder groups through skillful and experienced representation. Though young, the association is proving itself successful through a rapidly growing membership and through establishing excellent relationships with government officials who welcome a voice for this important industry. The association works closely with the oil and gas industry, both in the field and in Austin, for the advancement of the common good of both groups. Among other accomplishments, the TWRA was successful in helping to guide the RRC's new statewide rules governing water recycling activities in the oil field. Sebree serves both on the TWRA Board of Directors and as General Counsel and is actively involved in the management of the association.

**PROFESSIONAL EXPERIENCE**

**Vice-President for Governmental Affairs and General Counsel  
Texas Oil and Gas Association  
(1990 to 2012)**

Mr. Sebree was Vice President for Governmental Affairs and General Counsel for the Texas Oil and Gas Association ["TxOGA"] from 1990 to 2012. TxOGA was formed in 1919 and is the only association which represents all segments of the oil and gas industry operating in Texas. Its members account for approximately 92% of all the oil and natural gas produced in Texas, 100% of the state's refining capacity, and a vast majority of the pipeline mileage in Texas.

Mr. Sebree was responsible for leading the efforts to develop, coordinate, and implement the governmental, regulatory, advocacy, and community affairs activities of the oil & gas industry's principal association in Texas.

In this capacity, Mr. Sebree had to possess a thorough knowledge of all facets of the oil and gas industry, the legislative and regulatory processes, as well as the laws and regulations applicable to the industry. Additionally, he had to manage a diverse committee structure at the association and consistently demonstrate the ability to find the common ground among strong-willed and opinionated leaders of industry in a way that built consensus, cohesion, generated goodwill, and got the best out of the membership as a whole.

Mr. Sebree was able to communicate the positions of the oil and gas industry to state officials and the public in a natural style that was conversational and empathetic to their needs and concerns, yet was also knowledgeable and compelling in a manner which consistently found a way to advance the positions of the industry while meeting the needs of the officials and the public.

Under his leadership, Mr. Sebree was a major contributor in taking the Texas Oil and Gas Association, then an important but somewhat average state industry association, and transforming it into the most powerful and effective association in Texas, a state that is, in its own right, ranked within the top fifteen economies in the world.

## PROFESSIONAL ACCOMPLISHMENTS AND CHARACTERISTICS

### Over-Arching Accomplishments:

- ◆ Managed Governmental Affairs division of TxOGA as a profit center - *pro-actively devised legislative and commercial strategies that have saved, literally, billions of dollars in taxes*, gained the industry significant state and federal incentives, created revenue and profit enhancing opportunities, and facilitated changes to legislation through creative negotiation and drafting that have met the needs of both the regulators and the regulated but in a way that either eased the changes or actually improved conditions for the industry.
- ◆ Headed off a three-pronged attack on the industry caused by (1) an unprecedented \$20+ billion budget deficit in Texas; (2) a fundamental root and branch review of the industry's two top regulators (RRC and TCEQ Sunset Review); and (3) a raft of proposals arising from public misperceptions regarding the extraction of natural gas and oil from shale.
- ◆ In these difficult and politically polarized times, proposed and led an initiative to broaden the scope of the Association's and the industry's focus to directly engage with the local community at the grass roots level to educate the public and advocate on behalf of the industry. Personally authored a booklet on the industry which has now been distributed in the thousands to local politicians, governments and government officers, schools, and many other interested parties. The booklet remains in high demand and it is being used as a model to follow in other oil and gas producing states.  
– see [www.oilandgasjointassociationeducation.org/flipbook/](http://www.oilandgasjointassociationeducation.org/flipbook/)
- ◆ Faced with increasing scrutiny by the public and governmental officials on the oil and gas industry due to the phenomenal increase in activity in both urban and rural Texas, led an effort to unite the voices of the many - and often disparate - voices of industry represented by the nine different oil and gas-related trade associations in Texas. Conceived and founded The Joint Association Project which for the first time provides a platform from which all nine groups may speak as one. The groups united under the Project include: The Texas Oil and Gas Association, The Texas Pipeline Association, The Texas Alliance of Energy Producers, The Foundation for Energy Education, The Texas Independent Producers and Royalty Owners Association, the Texas Royalty Council, The American Royalty Council, The Permian Basin Petroleum Association, and The Panhandle Producers and Royalty Owners Association.

- ◆ Led the industry and political coalition's efforts to successfully defend the petroleum industry's primary regulatory agency (RRC) from being abolished or drastically re-designed. Moreover, in a legislative session dominated by a massive state deficit when most agencies saw their budgets cut, passed legislation increasing the agency's budget by approximately \$50-million which is allowing the agency to hire critical employees, improve regulatory programs, increase permitting efficiency, and improve public perception of its role as the oil and gas industry's chief regulator.
- ◆ Routinely monitored approximately 600 bills per legislative session that could adversely impact the oil and gas industry. The issues included exploration and production, shale operations, critical oil and gas tax incentives and taxation in general, refining and marketing matters such as air and water quality regulations, motor fuel taxation, ethanol and alternative fuels, and jobber relations, pipelines and natural gas processing, eminent domain, transportation, mineral estate dominance, water policy, regulatory programs, rational environmental policy, civil justice reforms, emergency operations, etc.
- ◆ Upon appointment to the Association, established a series of committees and policy initiatives to address the full embrace of legislative, regulatory, tax, and environmental issues ranging from the highly technical to broad-based business issues with a wider impact than the oil and gas industry. The purpose of the committees and initiatives was to establish a deliberative process to anticipate and consider issues of importance to the industry – to create an organized system for the pro-active development of legislative and regulatory strategies and a coordinated process to lobby/advocate for their achievement.

**Examples of Specific Accomplishments:**

- ▶ Conceived, designed, and effectively implemented numerous strategies that have greatly reduced taxes (multiple \$-billions) on the industry while successfully demonstrating an increased overall revenue return to the state as a whole due to the combined greater amount of economic activity generated as a result of the tax incentives. Many people try this unsuccessfully; Sebree has succeeded repeatedly.

Among other successes, specifically conceived and implemented the strategy that made permanent the high-cost gas tax incentive and the enhanced oil recovery tax incentive. Additionally, was a leader in enacting the original high-cost gas and enhanced oil tax incentives. Also, was a leader in enacting the inactive well tax incentive, the marginal well tax incentive, and specific technological tax incentives.

Conceived, drafted, and passed legislation that provides an exemption from permitting from ground water conservation districts for water used for drilling oil and gas wells.

- ▶ Conceived, drafted, and passed legislation that prohibits ground water conservation districts from discriminating against the oil and gas industry or against the use of ground water for oil and gas production.
- ▶ Conceived, designed, and successfully passed legislation that provides greater emission reductions for the public and the environment while at the same time

providing much greater flexibility, and therefore profitability, for the regulated entities. Examples include flexible plan permits for refineries and numerous permits by rule, among others.

- ▶ Passed legislation and personally rewrote numerous sections of environmental and administrative code allowing reformulated gasoline to be considered an alternative fuel.
- ▶ Drafted and passed legislation that vested jurisdiction over naturally occurring radioactive material in oil and gas exploration and production activities with the RRC and away from the TCEQ (then, the TNRCC) and the Texas Department of Health.
- ▶ Designed, passed, and successfully defended numerous laws to significantly ease the regulatory burden on the industry to allow it to be more profitable and flexible while still being protective of human health and the environment.
- ▶ Part of a coalition that conceived and passed a state constitutional amendment that prohibits property taxing jurisdictions from taxing expensive environmental control equipment – thus allowing several billion dollars' worth of equipment to forego property taxation.
- ▶ Led a group that convinced the major regulatory agency (RRC) that governs the industry to redesign the way its permit and regulatory system interacts with the industry. This has vastly improved permit processing and regulatory compliance times, increased efficiencies, and allowed the industry to be more profitable.
- ▶ Leader in the core business coalitions that have conceived and successfully passed litigation/tort reform legislation turning Texas from a plaintiff attorneys' haven into one of the most conservative jurisprudence states in the union.

**Professional Attributes:**

- ▶ Extremely well connected. - Interact seamlessly and successfully with people at all levels including those at the highest levels of multi-national companies and at the highest levels of government.
- ▶ Ability to see through to the purpose of a law or a proposal and then re-direct it so that it is beneficial, profitable, or, at least, workable for the industry while achieving the goal of the legislator or regulator.
- ▶ Considered an expert in oil and gas, legislative, and regulatory processes; have published numerous papers; regularly called upon as an author and speaker at public and industry events.
- ▶ Have demonstrated time and again an unusual ability, through example and motivation, to lead diverse and strong personalities to consensus and success on complicated issues in difficult circumstances.

## **EARLY PROFESSIONAL EXPERIENCE**

### **LAW OFFICE OF BENJAMIN W. SEBREE** (1990 - 1991; Austin, Texas)

*Solo Practitioner.*

Counseled business clients and lobbied for their interests before the Texas Legislature and various state agencies.

### **BABB & HANNA, P.C.** (1988 -1990; Austin, Texas)

*Highly regarded civil, association, and administrative law firm specializing in lobbying before the Texas Legislature and state agencies.*

#### **Associate Attorney**

Law practice emphasized governmental relations, administrative law, and business litigation.

### **WELLS & ASSOCIATES, P.C.** (1988; Houston, Texas)

*Business litigation law firm.*

#### **Law clerk while attending law school**

Responsibilities emphasized pre-trial preparation of commercial litigation and collection cases.

### **WATTS & COMPANY, P.C.** (1986 -1988; Houston, Texas)

*Civil litigation law firm.*

#### **Law clerk while attending law school**

Prepared cases involving litigation versus government entities, employment law, plus drafting trial and appellate briefs.

**Research Assistant** - For Professor Barbara White in the field of law and economics. (University of Houston Law Center; 1986).

**Texas State Legislature, Senate, 69th Session** - Enrolling and Engrossing Office (1985; Austin, Texas)

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## **Education/Affiliations/Honors**

**JD**, University of Houston Law Center, Houston, TX, 1988

**BA, English**, University of Texas, Austin, TX, 1984

Elected to the **Governing Council of the Oil, Gas, and Energy Law Section of the State Bar of Texas**, 2006 - 2009.

Appointed by Governor Perry to the **Interstate Oil and Gas Compact Commission**.

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## **PERTINENT PUBLICATIONS**

*Legislative Update: Summaries of Key Oil & Gas Legislation in the 83<sup>rd</sup> Texas Regular Session and Third Called Special Session*, 26<sup>th</sup> Annual ENERGY LAW INSTITUTE For Attorneys and Landmen, Chapter 2, Sponsored by the South Texas College of Law, Houston, Texas, August 28, 2013.

*Legislative Update - Summaries of Oil, Gas, and Energy Legislation Passed by the 82<sup>nd</sup> Regular and First Called Session of the Texas Legislature, 2011* (co-authored with Debbie Mamula Hastings, Mari Ruckel, James LeBas, and CJ Parham Tredway), 29<sup>th</sup> Annual Advanced Oil, Gas, and Energy Resources Law Course, Chapter 1, sponsored by the State Bar of Texas, Houston, October 6-7, 2011.

*The New Fuel: Efficiency* (co-authored with Klas C. Haglid), Strategic Planning for Energy and the Environment, Vol. 30, No 3, 2011 at 43.

*The Changing Face of Public Policy and Key Legislation Affecting the Texas Oil & Gas Industry* (co-authored with Allan W. "Skip" Dees, Debbie Mamula Hastings, Virginia Strama and James LeBas), 27<sup>th</sup> Annual Advanced Oil, Gas, and Energy Resources Law Course, Chapter 13, sponsored by the State Bar of Texas, Houston, October 8-9, 2009.

*Legislative Update - Oil, Gas, and Energy Resources Law* (co-authored with Allan W. Dees, Debbie Mamula Hastings, and Virginia Strama) Texas Bar Journal, September, 2009 at 678.

*Oil & Gas Legislation in the 80<sup>th</sup> Regular Session of the Texas Legislature, 2007* (co-authored with Allan W. "Skip" Dees), 25<sup>th</sup> Annual Advanced Oil, Gas, and Energy Resources Law Course, Chapter 11, sponsored by the State Bar of Texas, Houston, October 4-5, 2007.

*Evolution of Texas Law Pertaining to Groundwater Conservation Districts and the Oil and Gas Exploration and Production Industry* (co-authored with CJ Parham Tredway), Oil, Gas and Energy Resources Law Section Report, Vol. 31 Num. 3, March 2007 at 13.

*Oil & Gas Legislation in the 79<sup>th</sup> Regular and Second Called Session of the Texas Legislature 2005* (co-authored with Allan W. Dees), Advanced Oil, Gas, and Energy Resources Law Course, Chapter 2, sponsored by the State Bar of Texas, Houston, September 15-16, 2005.

*Oil & Gas Legislation in the 78<sup>th</sup> Regular Session of the Texas Legislature, 2003* (co-authored with Allan W. Dees), Advanced Oil, Gas, and Energy Resources Law Course, Chapter 12, sponsored by the State Bar of Texas, Houston, October 16-17, 2003.

*Legislation in the 77th Texas Legislature Affecting the Oil & Gas Industry* (co-authored with Allan W. Dees), Advanced Oil, Gas, and Energy Resources Law 2001, sponsored by the State Bar of Texas, San Antonio, October 11-12, 2001.

*Legislative Update - Oil & Gas Law - From Wellhead to Gas Pump: New Oil & Gas Laws*, (co-authored with Allan W. Dees) Texas Bar Journal, September, 2001 at 809

*Legislation in the 76th Texas Legislature Affecting the Oil & Gas Industry in Texas* (co-authored with Allan W. Dees), 17th Annual Advanced Oil, Gas & Mineral Law Course at M-1, sponsored by the State Bar of Texas, Dallas, Texas, September 23 -24, 1999.

*Summary of The 74th Texas Legislature Pertaining to the Oil & Gas Industry*, 15th Annual Advanced Oil, Gas & Mineral Law Course, sponsored by the State Bar of Texas, Austin, Texas, September 21-22, 1995.

*The 74th Texas Legislative Session: An Overview - Oil & Gas*, Texas Bar Journal, October, 1995, at 930.