

Amend HB 2161 (committee printing) as follows:

(1) On page 1, strike lines 7 and 8 and substitute the following:

SECTION 1. Section 121.201, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsection (d) to read as follows:

(2) On page 1, line 12, between "including" and "safety", insert "reasonable".

(3) On page 1, line 14, between "facility" and the semicolon, insert ", other than movement by tillage that does not exceed a depth of 16 inches".

(4) On page 2, between lines 14 and 15, insert the following:

(d) In this subsection, "telecommunications service" and "information service" have the meanings assigned by 47 U.S.C. Section 153. Notwithstanding Subsection (a), this title does not grant the railroad commission jurisdiction or right-of-way management authority over a provider of telecommunications service or information service. A provider of telecommunications service or information service shall comply with all applicable safety standards, including those provided by Subchapter G, Chapter 756, Health and Safety Code.

(5) On page 3, strike lines 16 and 17 and substitute the following:

SECTION 3. Section 117.012, Natural Resources Code, is amended by amending Subsection (a) and adding Subsection (n) to read as follows:

(6) On page 3, line 22, between "including" and "safety", insert "reasonable".

(7) On page 3, line 24, between "facility" and the period, insert ", other than movement by tillage that does not exceed a depth of 16 inches".

(8) On page 3, between lines 24 and 25, insert the following:

(n) In this subsection, "telecommunications service" and "information service" have the meanings assigned by 47 U.S.C. Section 153. Notwithstanding Subsection (a), this title does not

grant the commission jurisdiction or right-of-way management authority over a provider of telecommunications service or information service. A provider of telecommunications service or information service shall comply with all applicable safety standards, including those provided by Subchapter G, Chapter 756, Health and Safety Code.

(9) On page 3, between lines 24 and 25, insert the following appropriately numbered section and renumber the subsequent sections of the bill accordingly:

SECTION __. The Railroad Commission of Texas may not adopt safety standards under Section 121.201(a), Utilities Code, or Section 117.012(a), Natural Resources Code, as amended by this Act, until the Pipeline and Hazardous Materials Safety Administration of the United States Department of Transportation adopts the rules published at 69 Fed. Reg. 35279 (2004) (to be codified at 49 C.F.R. Parts 192 and 195) (proposed June 3, 2004) or other rules pertaining to public education programs for hazardous liquid and gas pipeline operators.