

By: Janek

S.B. No. 1073

A BILL TO BE ENTITLED

1 AN ACT

2 relating to excluding the transportation of gas to and from a  
3 liquefied natural gas marine terminal from being considered a gas  
4 utility.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Section 101.003(7), Utilities Code, is amended  
7 to read as follows:

8 (7) "Gas utility" includes a person or river authority  
9 that owns or operates for compensation in this state equipment or  
10 facilities to transmit or distribute combustible hydrocarbon  
11 natural gas or synthetic natural gas for sale or resale in a manner  
12 not subject to the jurisdiction of the Federal Energy Regulatory  
13 Commission under the Natural Gas Act (15 U.S.C. Section 717 et  
14 seq.). The term includes a lessee, trustee, or receiver of a gas  
15 utility. The term does not include:

16 (A) a municipal corporation;

17 (B) a person or river authority to the extent the  
18 person or river authority:

19 (i) produces, gathers, transports, or sells  
20 natural gas or synthetic natural gas under Section 121.004 or  
21 121.005;

22 (ii) distributes or sells liquefied  
23 petroleum gas; or

24 (iii) transports, delivers, or sells

1 natural gas for fuel for irrigation wells or any other direct  
2 agricultural use;

3 (C) a person to the extent the person:

4 (i) sells natural gas for use as vehicle  
5 fuel;

6 (ii) sells natural gas to a person who later  
7 sells the natural gas for use as vehicle fuel; or

8 (iii) owns or operates equipment or  
9 facilities to sell or transport natural gas for ultimate use as  
10 vehicle fuel; ~~or~~

11 (D) a person not otherwise a gas utility who  
12 furnishes gas or gas service only to itself, its employees, or its  
13 tenants as an incident of employment or tenancy, if the gas or gas  
14 service is not resold to or used by others; or

15 (E) a person excluded from being considered a gas  
16 utility under Section 121.007.

17 SECTION 2. Subchapter A, Chapter 121, Utilities Code, is  
18 amended by adding Section 121.007 to read as follows:

19 Sec. 121.007. TRANSPORTATION OF GAS TO AND FROM LIQUEFIED  
20 NATURAL GAS MARINE TERMINAL EXCLUDED. (a) A person operating a  
21 natural gas pipeline, a liquefied natural gas pipeline, or an  
22 underground storage facility is not a gas utility if the person  
23 certifies to the railroad commission that the person uses the  
24 pipeline or underground storage facility to deliver natural gas or  
25 liquefied natural gas:

26 (1) to a liquefied natural gas marine terminal;

27 (2) from a liquefied natural gas marine terminal to

1 the owner of the gas or another person on behalf of the owner of the  
2 gas; or

3 (3) that is acquired or sold by the person in  
4 connection with the operation or maintenance of its facility that  
5 is excluded as a gas utility under this section.

6 (b) This section does not confer the power of eminent domain  
7 to a pipeline or underground storage facility excluded as a gas  
8 utility under this section.

9 SECTION 3. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2007.