

By: Burnam

H.B. No. 1538

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of certain municipalities or counties to
3 adopt and enforce safety standards applicable to certain gas
4 pipelines.

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

6 SECTION 1. The heading to Section 121.202, Utilities Code,
7 is amended to read as follows:

8 Sec. 121.202. MUNICIPAL AND COUNTY AUTHORITY IN GENERAL.

9 SECTION 2. Subchapter E, Chapter 121, Utilities Code, is
10 amended by adding Section 121.2023 to read as follows:

11 Sec. 121.2023. MUNICIPAL AND COUNTY AUTHORITY REGARDING
12 PIPELINES IN CERTAIN POPULOUS COUNTIES. (a) This section applies
13 only to:

14 (1) a county that:

15 (A) has a population of more than 1.4 million;

16 and

17 (B) is located wholly or partly above a

18 hydrocarbon-producing geological formation in which during the

19 preceding year the Railroad Commission of Texas issued more than

20 2,000 drilling permits authorizing gas wells to be completed; and

21 (2) a municipality that is located wholly or partly in

22 a county described by Subdivision (1).

23 (b) Notwithstanding Section 121.202 and to the maximum

24 degree permissible under 49 U.S.C. Section 60101 et seq. or a

1 succeeding law, a municipality or county may adopt an ordinance or
2 order, respectively, that establishes safety standards applicable
3 to a gas gathering or transmission pipeline located or proposed to
4 be located in the municipality or county, respectively.

5 (c) Safety standards adopted by a municipality or county
6 under this section must be consistent with, and shall be enforced by
7 the municipality or county in the same manner as, safety standards
8 adopted by the railroad commission under Section 121.201.

9 SECTION 3. This Act takes effect September 1, 2009.