

AN ACT

relating to the status of certain transporters of natural or synthetic gas and liquified natural gas marine terminals as gas utilities.

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

SECTION 1. Section 121.005, Utilities Code, is amended by adding Subsection (d) to read as follows:

(d) The railroad commission may review a certification made by a person under Subsection (a). The railroad commission shall invite a person whose certification is being reviewed to an informal meeting to resolve the person's status under this subsection. If the person's status remains unresolved after the informal meeting and there is sufficient reason to move forward, the railroad commission shall provide notice and an opportunity for a hearing. After notice and an opportunity for a hearing, the railroad commission may determine whether the person is eligible for an exemption under this subsection.

SECTION 2. Subsection (a), Section 121.007, Utilities Code, is amended to read as follows:

(a) A person operating a natural gas pipeline, a liquefied natural gas pipeline, or an underground storage facility is not a gas utility if the person certifies to the railroad commission that the person uses the pipeline or underground storage facility solely to deliver natural gas or liquefied natural gas or the constituents

1 of natural gas or liquefied natural gas:

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

3 (2) from a liquefied natural gas marine terminal to
4 the owner of the gas or another person on behalf of the owner of the
5 gas; [~~or~~]

6 (3) that is acquired, liquefied, or sold by the person
7 as necessary for the operation or maintenance of its facility that
8 is excluded as a gas utility under this section; or

9 (4) that has been stored for export.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 1883 was passed by the House on May 5, 2009, by the following vote: Yeas 144, Nays 0, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1883 on May 23, 2009, by the following vote: Yeas 138, Nays 0, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1883 was passed by the Senate, with amendments, on May 21, 2009, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____

Date

Governor