

1-1 By: Farabee (Senate Sponsor - Averitt) H.B. No. 1883  
1-2 (In the Senate - Received from the House May 6, 2009;  
1-3 May 7, 2009, read first time and referred to Committee on Natural  
1-4 Resources; May 18, 2009, reported adversely, with favorable  
1-5 Committee Substitute by the following vote: Yeas 9, Nays 0;  
1-6 May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 1883 By: Averitt

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the status of certain transporters of natural or  
1-11 synthetic gas and liquified natural gas marine terminals as gas  
1-12 utilities.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Section 121.005, Utilities Code, is amended by  
1-15 adding Subsection (d) to read as follows:

1-16 (d) The railroad commission may review a certification made  
1-17 by a person under Subsection (a). The railroad commission shall  
1-18 invite a person whose certification is being reviewed to an  
1-19 informal meeting to resolve the person's status under this  
1-20 subsection. If the person's status remains unresolved after the  
1-21 informal meeting and there is sufficient reason to move forward,  
1-22 the railroad commission shall provide notice and an opportunity for  
1-23 a hearing. After notice and an opportunity for a hearing, the  
1-24 railroad commission may determine whether the person is eligible  
1-25 for an exemption under this subsection.

1-26 SECTION 2. Subsection (a), Section 121.007, Utilities Code,  
1-27 is amended to read as follows:

1-28 (a) A person operating a natural gas pipeline, a liquefied  
1-29 natural gas pipeline, or an underground storage facility is not a  
1-30 gas utility if the person certifies to the railroad commission that  
1-31 the person uses the pipeline or underground storage facility solely  
1-32 to deliver natural gas or liquefied natural gas or the constituents  
1-33 of natural gas or liquefied natural gas:

1-34 (1) to a liquefied natural gas marine terminal;

1-35 (2) from a liquefied natural gas marine terminal to  
1-36 the owner of the gas or another person on behalf of the owner of the  
1-37 gas; ~~or~~

1-38 (3) that is acquired, liquefied, or sold by the person  
1-39 as necessary for the operation or maintenance of its facility that  
1-40 is excluded as a gas utility under this section; or

1-41 (4) that has been stored for export.

1-42 SECTION 3. This Act takes effect September 1, 2009.

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