

1-1 By: Farabee (Senate Sponsor - Averitt) H.B. No. 3346
1-2 (In the Senate - Received from the House May 1, 2009;
1-3 May 4, 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 10, Nays 0;
1-6 May 18, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR H.B. No. 3346 By: Averitt

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

1-10 relating to the definition of a gas utility.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 121.001(a), Utilities Code, is amended
1-13 to read as follows:

1-14 (a) In this chapter, "gas utility" means a person who owns,
1-15 manages, operates, leases, or controls in this state property or
1-16 equipment or a pipeline, plant, facility, franchise, license, or
1-17 permit for a business that:

1-18 (1) transports, conveys, distributes, or delivers
1-19 natural gas:

1-20 (A) for public use or service for compensation;

1-21 (B) for sale to municipalities or persons engaged
1-22 in distributing or selling natural gas to the public, in a situation
1-23 described by Subdivision (3);

1-24 (C) for sale or delivery to a person operating
1-25 under a franchise or contract with a political subdivision of this
1-26 state; or

1-27 (D) for sale or delivery to the public for
1-28 domestic or other use;

1-29 (2) owns, operates, or manages a pipeline:

1-30 (A) that is for transporting or carrying natural
1-31 gas, whether for public hire or not; and

1-32 (B) for which the right-of-way has been or is
1-33 hereafter acquired by exercising the right of eminent domain, or by
1-34 representing to a property owner that the person has the right to
1-35 acquire right-of-way by the use of eminent domain; or

1-36 (3) produces or purchases natural gas and transports
1-37 or causes the transportation of natural gas by a pipeline to or near
1-38 the limits of a municipality in which the gas is received and
1-39 distributed or sold to the public by another gas utility or by the
1-40 municipality in a situation in which the business is the only or
1-41 practically the only agency of supply of natural gas to the gas
1-42 utility or municipality.

1-43 SECTION 2. Section 181.021(2), Utilities Code, is amended
1-44 to read as follows:

1-45 (2) "Gas utility" means a person, firm, or corporation
1-46 subject to the jurisdiction of the Railroad Commission of Texas, or
1-47 a municipality, engaged in the business of transporting or
1-48 distributing gas [~~for public consumption~~].

1-49 SECTION 3. This Act takes effect September 1, 2009.

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