

SENATE AMENDMENTS

2nd Printing

By: Chisum

H.B. No. 2663

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the effect of rules and standards adopted by the
3 Railroad Commission of Texas relating to the liquefied petroleum
4 gas industry on ordinances, orders, or rules adopted by political
5 subdivisions relating to that industry.

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

7 SECTION 1. Subchapter C, Chapter 113, Natural Resources
8 Code, is amended by adding Section 113.054 to read as follows:

9 Sec. 113.054. EFFECT ON OTHER LAW. (a) The rules and
10 standards promulgated and adopted by the commission under Section
11 113.051 preempt and supersede any ordinance, order, or rule adopted
12 by a political subdivision of this state relating to any aspect or
13 phase of the LPG industry, to the extent that the rules and
14 standards are more protective of the health, welfare, and safety of
15 the general public than the ordinance, order, or rule.

16 (b) Notwithstanding Subsection (a), on approval of the
17 commission, a political subdivision may adopt or enforce an
18 ordinance, order, or rule relating to any aspect or phase of the LPG
19 industry that would otherwise be preempted and superseded by a rule
20 or standard promulgated and adopted by the commission.

21 SECTION 2. This Act takes effect September 1, 2011.

ADOPTED

MAY 24 2011

Atty. Gen.
Secretary of the Senate

By: *Seliger*

H.B. No. 2003

Substitute the following for H.B. No. 2003.

By: *Seliger*

C.S. H.B. No. 2003

A BILL TO BE ENTITLED

AN ACT

relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.

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

SECTION 1. Subchapter C, Chapter 113, Natural Resources Code, is amended by adding Section 113.054 to read as follows:

Sec. 113.054. EFFECT ON OTHER LAW. The rules and standards promulgated and adopted by the commission under Section 113.051 preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the liquefied petroleum gas industry. A political subdivision may petition the commission's executive director for permission to promulgate more restrictive rules and standards only if the political subdivision can prove that the more restrictive rules and standards enhance public safety.

SECTION 2. This Act takes effect September 1, 2011.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 25, 2011

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2663 by Chisum (Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would provide that rules and standards promulgated by the Railroad Commission relating to liquefied petroleum gas supersede any ordinance or rule adopted by a political subdivision of the state. A political subdivision would be authorized to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards to enhance public safety.

Passage of the bill would result in Railroad Commission staff having to review petitions from political subdivision and make recommendations to the Executive Director and hold hearings as necessary. In addition, the Railroad Commission would have to promulgate rules to provide for a procedure for reviewing such petitions.

This estimate assumes that the number of political subdivisions that would petition the Railroad Commission to promulgate more restrictive rules and standards would not be significant; therefore, the additional workload resulting from the bill's passage is expected to be absorbed using existing agency resources.

Local Government Impact

A local government would incur costs in preparing information to present to the Railroad Commission if it would petition to the agency to promulgate more restrictive rules or standards than those adopted by the Railroad Commission. This estimate assumes that in most cases such costs would not be significant.

Source Agencies: 455 Railroad Commission

LBB Staff: JOB, SD, SZ, TL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 18, 2011

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2663 by Chisum (Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would provide that rules and standards promulgated by the Railroad Commission relating to liquified petroleum gas supersede any ordinance or rule adopted by a political subdivision of the state. A political subdivision would be authorized to petition the Railroad Commission's executive director for permission to promulgate more restrictive rules and standards to enhance public safety.

Passage of the bill would result in Railroad Commission staff having to review petitions from political subdivision and make recommendations to the Executive Director and hold hearings as necessary. In addition, the Railroad Commission would have to promulgate rules to provide for a procedure for reviewing such petitions.

This estimate assumes that the number of political subdivisions that would petition the Railroad Commission to promulgate more restrictive rules and standards would not be significant; therefore, the additional workload resulting from the bill's passage is expected to be absorbed using existing agency resources.

Local Government Impact

A local government would incur costs in preparing information to present to the Railroad Commission if it would petition to the agency to promulgate more restrictive rules or standards than those adopted by the Railroad Commission. This estimate assumes that in most cases such costs would not be significant.

Source Agencies: 455 Railroad Commission

LBB Staff: JOB, SZ, TL

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

May 13, 2011

TO: Honorable Troy Fraser, Chair, Senate Committee on Natural Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2663 by Chisum (Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would provide that rules and standards promulgated and adopted by the Railroad Commission under Natural Resources Code, Section 113.051, preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the Liquefied Propane Gas (LPG) industry to the extent that rules and standards are more protective of the health, welfare, and safety of the general public than the ordinance, order, or rule relating to any aspect or phase of the LPG industry that would otherwise be preempted and superseded by a rule or standard promulgated or adopted by the Railroad Commission.

The bill's passage is not expected to have a significant fiscal impact on the Railroad Commission.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 455 Railroad Commission, 582 Commission on Environmental Quality

LBB Staff: JOB, SZ, TL, KKR

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

March 22, 2011

TO: Honorable Jim Keffer, Chair, House Committee on Energy Resources

FROM: John S O'Brien, Director, Legislative Budget Board

IN RE: HB2663 by Chisum (Relating to the effect of rules and standards adopted by the Railroad Commission of Texas relating to the liquefied petroleum gas industry on ordinances, orders, or rules adopted by political subdivisions relating to that industry.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would provide that rules and standards promulgated and adopted by the Railroad Commission under Natural Resources Code, Section 113.051, preempt and supersede any ordinance, order, or rule adopted by a political subdivision of this state relating to any aspect or phase of the Liquefied Propane Gas industry. The bill's passage is not expected to have a significant fiscal impact on the Railroad Commission.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 455 Railroad Commission

LBB Staff: JOB, SZ, TL, KKR