

Amend CSHB 40 (house committee printing) by striking page 2, line 25, through page 3, line 11, and substituting the following:

(c) The authority of a municipality or other political subdivision to regulate an oil and gas operation is expressly preempted, except that:

(1) a municipality may enact, amend, or enforce an ordinance or other measure that:

(A) regulates only aboveground activity related to an oil and gas operation that occurs at or above the surface of the ground, including a regulation governing fire and emergency response, traffic, lights, or noise, or imposing notice or reasonable setback requirements;

(B) is commercially reasonable;

(C) does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator; and

(D) is not otherwise preempted by state or federal law; and

(2) a municipality or other political subdivision may enact, amend, or enforce an ordinance or other measure that bans, limits, or otherwise regulates an oil and gas operation that affects property owned or managed by the municipality or other political subdivision, including a utility facility, park, golf course, or road.