

Amend CSHB 40 (house committee printing) by striking page 2, line 25, through page 3, line 15, 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 enforce an ordinance that has been in effect for at least five years and has allowed oil and gas operations.