

Amend CSHB 40 (house committee report), page 3, SECTION 2 (c)(1) by inserting in line 53 the phrase "establishes setbacks from daycares, churches, schools, hospitals, or nursing homes". Appropriately renumber Section 2(c).

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

(1) establishes setbacks from daycares, churches, schools, hospitals, or nursing homes, or

~~(2)~~ 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;

~~(3)~~ is commercially reasonable;

~~(4)~~ does not effectively prohibit an oil and gas operation conducted by a reasonably prudent operator; and

~~(5)~~ is not otherwise preempted by state or federal law.