

By: Dale

H.B. No. 3217

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to regulate an activity over which the Railroad Commission of Texas has jurisdiction.

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

SECTION 1. Subchapter C, Chapter 81, Natural Resources Code, is amended by adding Section 81.0523 to read as follows:

Sec. 81.0523. POLITICAL SUBDIVISION AUTHORITY. (a) A political subdivision may adopt or enforce an order, ordinance, or similar measure that applies to a person or operation over whom or which the commission has jurisdiction under this title only as provided by this section.

(b) The commission has exclusive jurisdiction to determine whether the adoption or enforcement by a political subdivision of an order, ordinance, or similar measure applies to a person or operation over whom or which the commission has jurisdiction under this title.

(c) A political subdivision shall petition the commission for permission before adopting or enforcing an ordinance, order, or similar measure described by Subsection (a).

(d) The commission may grant a petition only if the political subdivision offers proof satisfactory to the commission that the ordinance, order, or similar measure is reasonable and enhances public safety.

1 (e) This section does not apply to an ordinance, order, or
2 similar measure described by Subsection (a) that is authorized by a
3 state agency other than the commission.

4 (f) A provision of this title that affirms the authority of
5 or grants authority to a political subdivision to regulate a person
6 or operation over whom or which the commission has jurisdiction
7 under this title does not exempt the political subdivision from
8 complying with this section.

9 SECTION 2. Subchapter B, Chapter 121, Utilities Code, is
10 amended by adding Section 121.053 to read as follows:

11 Sec. 121.053. POLITICAL SUBDIVISION AUTHORITY. (a) A
12 political subdivision may adopt or enforce an order, ordinance, or
13 similar measure that applies to any aspect or phase of the gas
14 pipeline industry only as provided by this section.

15 (b) The railroad commission has exclusive jurisdiction to
16 determine whether the adoption or enforcement by a political
17 subdivision of an order, ordinance, or similar measure applies to
18 any aspect or phase of the gas pipeline industry.

19 (c) A political subdivision shall petition the railroad
20 commission for permission before adopting or enforcing an
21 ordinance, order, or similar measure described by Subsection (a).

22 (d) The railroad commission may grant a petition only if the
23 political subdivision offers proof satisfactory to the railroad
24 commission that the ordinance, order, or similar measure is
25 reasonable and enhances public safety.

26 (e) This section does not apply to an ordinance, order, or
27 similar measure described by Subsection (a) that is authorized by a

1 state agency other than the railroad commission.

2 (f) A provision of this chapter that affirms the authority
3 of or grants authority to a political subdivision to regulate any
4 aspect or phase of the gas pipeline industry does not exempt the
5 political subdivision from complying with this section.

6 SECTION 3. Section 113.054, Natural Resources Code, is
7 repealed.

8 SECTION 4. Sections 81.0523, Natural Resources Code, and
9 121.053, Utilities Code, as added by this Act, apply to an
10 ordinance, order, or similar measure adopted by a political
11 subdivision before, on, or after the effective date of this Act.

12 SECTION 5. This Act takes effect September 1, 2015.