

Amend CSSB 312 (house committee report) by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS of the bill accordingly:

SECTION _____. Section 203.0935, Transportation Code, is amended by amending Subsection (e) and adding Subsection (e-1) to read as follows:

(e) If the utility fails to enter into an agreement within the 90-day period under Subsection (d), the department may:

(1) relocate the facility at the sole cost and expense of the utility less any reimbursement of costs that would have been payable to the utility under Section 203.092; or

(2) contract with a third party to relocate the facility at the sole cost and expense of the utility.

(e-1) A relocation [~~by the department~~] under Subsection (e) [this subsection] shall be conducted in full compliance with applicable law, using standard equipment and construction practices compatible with the utility's existing facilities, and in a manner that minimizes disruption of utility service.

SECTION _____. Section 203.094, Transportation Code, is amended by adding Subsection (d) to read as follows:

(d) The department may deny a permit application made by a utility or revoke a permit granted by the department to a utility for any of the utility's facilities if the department determines that the utility is delaying, without good cause:

(1) entering into a timely agreement with the department for the relocation of a facility; or

(2) making a timely relocation of a facility.

SECTION _____. Section 203.094(d), Transportation Code, as added by this Act, applies only to a delay associated with the relocation of a facility for which the utility first receives notice of the required relocation on or after the effective date of this Act.