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HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. _____

BY: Pickett

1 Amend C.S.S.B. No. 312 (house committee report) by adding the
2 following appropriately numbered SECTIONS to the bill and
3 renumbering subsequent SECTIONS of the bill accordingly:

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

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

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

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

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

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

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

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

27 (2) making a timely relocation of a facility.

28 SECTION _____. Section 203.094(d), Transportation Code, as
29 added by this Act, applies only to a delay associated with the

1 relocation of a facility for which the utility first receives
2 notice of the required relocation on or after the effective date of
3 this Act.