

By: Farabee

H.B. No. 3346

A BILL TO BE ENTITLED

AN ACT

relating to the definition of a gas utility.

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

SECTION 1. Section 121.001(a), Utilities Code, is amended to read as follows:

(a) In this chapter, "gas utility" means a person who owns, manages, operates, leases, or controls in this state property or equipment or a pipeline, plant, facility, franchise, license, or permit for a business that:

(1) transports, conveys, distributes, or delivers natural gas:

(A) for public use or service for compensation;

(B) for sale to municipalities or persons engaged in distributing or selling natural gas to the public, in a situation described by Subdivision (3);

(C) for sale or delivery to a person operating under a franchise or contract with a political subdivision of this state; or

(D) for sale or delivery to the public for domestic or other use;

(2) owns, operates, or manages a pipeline:

(A) that is for transporting or carrying natural gas, whether for public hire or not; and

(B) for which the right-of-way has been or is

1 hereafter acquired by exercising the right of eminent domain, or by  
2 representing to a property owner that the person has the right to  
3 acquire right-of-way by the use of eminent domain; or

4           (3) produces or purchases natural gas and transports  
5 or causes the transportation of natural gas by a pipeline to or near  
6 the limits of a municipality in which the gas is received and  
7 distributed or sold to the public by another gas utility or by the  
8 municipality in a situation in which the business is the only or  
9 practically the only agency of supply of natural gas to the gas  
10 utility or municipality.

11           SECTION 2. This Act takes effect September 1, 2009.