

Acquisition of gas utility rights-of-way

HB 3346 by Farabee (Averitt)

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- DIGEST:** HB 3346 would have included in the definition of a gas utility a person who owned, operated, or managed a natural gas pipeline for which the person represented to a property owner that the person had the right to acquire right-of-way by the use of eminent domain. A gas utility also would have meant a person, firm, or corporation subject to the jurisdiction of the Railroad Commission or a municipality engaged in the business of transporting or distributing gas, not limited to gas used only for public consumption.
- HB 3346 also would have excluded from the definition of a gas utility electric cooperatives whose gas storage facilities predominantly were operated to support the integration of renewable resources.
- GOVERNOR'S REASON FOR VETO:** “House Bill No. 3346 was a well-intended effort to protect landowners from abuses of eminent domain authority. However, two provisions added late in the session are problematic.
- “One provision nullifies the original intent of the legislation by removing added protections for landowners. Another provision conflicts with House Bill No. 2572 — which was signed on June 19, 2009 — by requiring the state to pay for the relocation of all gas utility pipelines in certain state rights of way, a requirement that could cost taxpayers millions of dollars.
- “Although I support provisions in this bill that offer higher safety requirements for pipelines located in rights of way, these requirements are already covered by provisions in House Bill No. 2572.”
- RESPONSE:** Neither **Rep. David Farabee**, the bill’s author, nor **Sen. Kip Averitt**, the Senate sponsor, had a comment on the veto.
- NOTES:** HB 3346 passed the House on the Local, Consent, and Resolutions Calendar and was not analyzed in a *Daily Floor Report*.