

By: Swinford

H.B. No. 3941

A BILL TO BE ENTITLED

AN ACT

relating to municipal ordinances governing the installation and operation of distributed renewable generation systems.

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

SECTION 1. Subtitle A, Title 11, Local Government Code, is amended by adding Chapter 345 to read as follows:

CHAPTER 345. DISTRIBUTED RENEWABLE GENERATION

Sec. 345.001. DEFINITION. In this chapter, "distributed renewable generation" has the meaning assigned by Section 39.916, Utilities Code.

Sec. 345.002. DISTRIBUTED RENEWABLE GENERATION ACCESS. A municipality may not adopt an ordinance that governs the installation or operation of distributed renewable generation equipment of a rated capacity of 100 kilowatts or less and places any substantial restriction either directly or indirectly on the installation or use of the equipment unless the municipality first conducts a study and issues a report that concludes that the ordinance would:

(1) ensure the public safety; or

(2) not significantly increase the cost or decrease the efficiency of distributed renewable generation.

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