

1-1 By: King of Parker, Geren, Hilderbran H.B. No. 971
1-2 (Senate Sponsor - Fraser)
1-3 (In the Senate - Received from the House May 6, 2011;
1-4 May 9, 2011, read first time and referred to Committee on Business
1-5 and Commerce; May 21, 2011, reported favorably, as amended, by the
1-6 following vote: Yeas 8, Nays 1; May 21, 2011, sent to printer.)

1-7 COMMITTEE AMENDMENT NO. 1 By: Jackson

1-8 Amend H.B. 971 as follows:

1-9 (1) In SECTION 1 of the bill, in the introductory language
1-10 (page 1, line 34), between "(c)" and "to" insert "and Subsection
1-11 (d)".

1-12 (2) In SECTION 1 of the bill, in amended Section 37.053,
1-13 Utilities Code (page 1, between lines 37 and 38), insert the
1-14 following:

1-15 (d) For transmission facilities ordered or approved by the
1-16 commission under Chapters 37 or 39 to mitigate market power in
1-17 accordance with Section 39.157(a), address reliability needs, or to
1-18 otherwise ensure the competitiveness of electricity markets in this
1-19 state, the rights extended to an electric corporation under Section
1-20 181.004 extend to all public and private land on which the
1-21 commission has approved the construction of the line. This
1-22 subsection does not limit a municipality's rights or an electric
1-23 utility's obligations under Chapter 33.

1-24 (3) In SECTION 3 of the bill (page 1, line 41), strike "This
1-25 Act" and substitute "The change in law made by this Act to Section
1-26 37.053(c), Utilities Code,".

1-27 A BILL TO BE ENTITLED
1-28 AN ACT

1-29 relating to removal of the requirement that an electric utility
1-30 designate a preferred route for a transmission line in an
1-31 application for a certificate of convenience and necessity.

1-32 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-33 SECTION 1. Section 37.053, Utilities Code, is amended by
1-34 adding Subsection (c) to read as follows:

1-35 (c) The commission may not require the applicant to
1-36 designate a preferred route for a proposed transmission line
1-37 facility.

1-38 SECTION 2. The Public Utility Commission of Texas shall
1-39 adopt or revise rules under Section 37.053, Utilities Code, as
1-40 amended by this Act, before June 1, 2012.

1-41 SECTION 3. This Act applies only to an application for a
1-42 certificate of convenience and necessity that is filed with the
1-43 Public Utility Commission of Texas on or after the effective date of
1-44 this Act. An application for a certificate of convenience and
1-45 necessity that was filed with the commission before the effective
1-46 date of this Act is governed by the law in effect on the date the
1-47 application was filed, and that law is continued in effect for that
1-48 purpose.

1-49 SECTION 4. This Act takes effect immediately if it receives
1-50 a vote of two-thirds of all the members elected to each house, as
1-51 provided by Section 39, Article III, Texas Constitution. If this
1-52 Act does not receive the vote necessary for immediate effect, this
1-53 Act takes effect September 1, 2011.

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