

By: Crownover

H.B. No. 3137

A BILL TO BE ENTITLED

AN ACT

relating to the construction and operation of combined heating and power facilities in certain cities.

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

SECTION 1. Section 552.002, Local Government Code, by adding subsections (e) and (f) as follows:

(e) Notwithstanding any municipal charter provision to the contrary, a home rule city may buy, own, construct, maintain, and operate a combined heating and power system or plant with related infrastructure, and may sell energy commodities from such system, plant, or infrastructure, including but not limited to, electricity, chilled water, steam, or gas in a Combined Heating and Power Economic Development District so designated and defined by the governing body of the municipality, which shall be at a distance of no greater than three miles from the combined heating and power plant, and which is wholly located within the corporate boundaries of the municipality.

(f) Subsection (e) only applies to a home rule city that:

- (1) has a population that is greater than 100,000;
- (2) owns and operates a municipally owned electric utility that is a member of a Texas municipal power agency; and
- (3) is located adjacent to a county with a population that is greater than two million.

SECTION 2. EFFECTIVE DATE. This Act takes effect

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