

By: Estes

S.B. No. 1230

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the construction and operation of combined heating and
3 power facilities in certain cities.

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

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

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

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

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

24 SECTION 2. EFFECTIVE DATE. This Act takes effect

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.