

By: Callegari

H.B. No. 2156

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the ability of a municipality to regulate or limit a
3 retail public utility's extension of service or operation of
4 facilities.

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

6 SECTION 1. Section 13.247, Water Code, is amended by
7 amending Subsection (c) and adding Subsection (e) to read as
8 follows:

9 (c) This section may not be construed as limiting the power
10 of municipalities to incorporate or extend their boundaries by
11 annexation. A municipality may impose on a retail public utility
12 operating in the boundaries of the municipality [~~, or as~~
13 ~~prohibiting any municipality from levying~~] taxes and other special
14 charges for the use of [~~the~~] streets as [~~are~~] authorized by Section
15 182.025, Tax Code, but may not, by franchise agreement, limit,
16 restrict, regulate, or prevent the retail public utility's
17 extension of service or operation of facilities.

18 (e) Except as expressly provided by this chapter, a retail
19 public utility:

20 (1) is not subject to the regulation or control of a
21 municipality, including any regulation adopted by the municipality
22 under Chapter 211 or 212, Local Government Code; and

23 (2) may, in the sole discretion of the retail public
24 utility, locate the retail public utility's facilities at any

1 location whatsoever.

2 SECTION 2. This Act takes effect September 1, 2013.