

By: Fallon

H.B. No. 1427

A BILL TO BE ENTITLED

AN ACT

relating to a municipality's ability to enforce zoning and other land use regulations against electric companies.

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

SECTION 1. Section 41.005, Utilities Code, is amended to read as follows:

Sec. 41.005. LIMITATION ON MUNICIPAL AUTHORITY. (a) Notwithstanding any other provision of this title, a municipality may not directly or indirectly regulate the rates, operations, and services of an electric cooperative, except, with respect to operations, to the extent necessary to protect the public health, safety, or welfare.

(b) This section does not prohibit a municipality from making a lawful charge for the use of public rights-of-way within the municipality as provided by Section 182.025, Tax Code, and Section 33.008 of this code. An electric cooperative shall be an electric utility for purposes of Section 182.025, Tax Code, and Section 33.008 of this code.

(c) This section does not prohibit a municipality from enforcing the municipality's zoning or other land use regulations, including a specific use permit, except that a municipality's enforcement of the municipality's land use regulations may not:

(1) operate to exclude the electric cooperative from the municipality; or

1                   (2) directly conflict with a certification granted by  
2 the commission under Chapter 37.

3                   SECTION 2. This Act takes effect September 1, 2017.