

By: Fallon

H.B. No. 1427

A BILL TO BE ENTITLED

1 AN ACT
2 relating to a municipality's ability to enforce zoning and other
3 land use regulations against electric companies.

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

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

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

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

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

23 (1) operate to exclude the electric cooperative from
24 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.