

By: Virdell

H.B. No. 1378

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county regulation of certain electric energy storage.

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

SECTION 1. Chapter 247, Local Government Code, as added by Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular Session, 2023, is amended by adding Section 247.004 to read as follows:

Sec. 247.004. REGULATION OF ELECTRIC ENERGY STORAGE. (a) This section applies only to electric energy storage intended to be used to sell at wholesale energy or ancillary services, as defined by Section 35.004, Utilities Code.

(b) A municipality by ordinance and a county by order shall prohibit the installation of electric energy storage within 500 yards of real property owned by a person other than the owner or operator of the proposed storage unless the owner or operator of the proposed storage obtains written consent from each owner of the real property.

(c) For the purposes of this section, the measurement of distance between an electric energy storage structure and a property line shall be taken from the point on the structure that is nearest to the nearest point on the property line.

(d) A county may not regulate under Subsection (b) the installation of electric energy storage within the corporate

1 boundaries of a municipality.

2 SECTION 2. Not later than October 1, 2025, a municipality by
3 ordinance and a county by order shall adopt a prohibition on the
4 installation of electric energy storage as required by Section
5 [247.004](#), Local Government Code, as added by this Act. The ordinance
6 or order may not require the removal of any electric energy storage
7 the installation of which began before the effective date of the
8 ordinance or order.

9 SECTION 3. This Act takes effect September 1, 2025.