

BILL ANALYSIS

Senate Research Center
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S.B. 1185
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Business & Commerce
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DIGEST AND PURPOSE

Currently, certain municipalities require property owners to maintain a percentage of the property they own as “green space.” As proposed, S.B. 1185 authorizes telecommunications utilities and public utilities to file for exemptions from lot coverage, impervious cover, and erosion requirements in order to expand existing facilities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7C, Local Government Code, by adding Chapter 246, as follows:

CHAPTER 246. CONSTRUCTION OF TELECOMMUNICATIONS FACILITIES

Sec. 246.001. DEFINITIONS. Defines “commission,” “facility,” “impervious cover regulations,” “public utility,” “regulating authority,” and “telecommunications utility.”

Sec. 246.002. REQUEST PROCESS. Requires a regulating authority that receives a written request by a telecommunications utility or public utility to construct a facility or expand an existing facility on real property owned, leased, or occupied by the telecommunications utility or public utility in an area governed by impervious cover regulation to approve or deny the request not later than the 30th day after the date the request is received. Requires the regulating authority to approve the request unless the regulating authority finds, after a hearing, that certain factors exist. Requires the regulatory authority to provide a written notice of a denial. Requires the notice to specify the findings on which the authority relied in denying the request. Provides that if a regulating authority does not make a decision before the deadline prescribed, the request is approved, and the regulating authority is prohibited from applying the authority’s impervious cover regulations to the property that is the subject of the request.

Sec. 246.003. COMMISSION JURISDICTION. Provides that the Public Utility Commission (commission) has jurisdiction to enforce this chapter and to ensure that legal requirements are enforced in a competitively neutral, nondiscriminatory, and reasonable manner.

SECTION 2. Effective date: September 1, 2001