

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1185
By: Whitmire
Business & Commerce
4/11/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

Currently, certain municipalities require property owners to maintain a percentage of the property they own as “green space.” C.S.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 CERTAIN TELECOMMUNICATIONS FACILITIES

Sec. 246.001. DEFINITIONS. Defines “commission,” “critical facility,” “impervious lot coverage regulation,” “regulating authority,” “sedimentation, retention, or erosion regulation” and “telecommunications utility.”

Sec. 246.002. APPLICABILITY. Sets forth that this chapter applies only to a critical facility that existed on April 1, 2001.

Sec. 246.003. REQUEST PROCESS. Requires a regulating authority that receives a written request by a telecommunications utility to expand a critical facility on real property owned, leased, or occupied by the telecommunications utility in an area governed by impervious lot cover regulation or sedimentation, retention, or erosion regulation to approve or deny the request not later than the 60th 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 by Subsection (a), certain conditions apply.

Sec. 246.004. 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.

SUMMARY OF COMMITTEE CHANGES

SECTION 1. Amends As Filed S.B. 1185, Title 7(C), Local Government Code, by amending

proposed Chapter 246. Adds newly proposed Section 246.002 and redesignates existing Sections 246.003 and 246.004. Makes conforming and nonsubstantive changes.

SECTION 2. No change.