

By: Deshotel, Paddie, Reynolds, Perez,  
Harris, et al.

H.B. No. 17

A BILL TO BE ENTITLED

AN ACT

relating to a restriction on the regulation of utility services and  
infrastructure based on the energy source to be used or delivered.

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

SECTION 1. Subchapter Z, Chapter 181, Utilities Code, is  
amended by adding Section 181.903 to read as follows:

Sec. 181.903. RESTRICTION ON REGULATION OF UTILITY SERVICES  
AND INFRASTRUCTURE. (a) In this section:

(1) "Regulatory authority" has the meanings assigned  
by Sections 11.003 and 101.003.

(2) "Utility" has the meaning assigned by Section  
181.901, except that the term does not include a person, company, or  
corporation engaged in furnishing telephone service to the public.

(b) No regulatory authority, planning authority, or  
political subdivision of this state may adopt or enforce an  
ordinance, resolution, regulation, code, order, policy, or other  
measure that has the purpose, intent, or effect of directly or  
indirectly banning, limiting, restricting, discriminating against,  
or prohibiting the connection or reconnection of a utility service  
or the construction, maintenance, or installation of residential,  
commercial, or other public or private infrastructure for a utility  
service based on the type or source of energy to be delivered to the  
end-use customer.

(c) An entity, including a regulatory authority, planning

1 authority, political subdivision, or utility, may not impose any  
2 additional charge or pricing difference on a development or  
3 building permit applicant for utility infrastructure that:

4 (1) encourages those constructing homes, buildings,  
5 or other structural improvements to connect to a utility service  
6 based on the type or source of energy to be delivered to the end-use  
7 customer; or

8 (2) discourages the installation of facilities for the  
9 delivery of or use of a utility service based on the type or source  
10 of energy to be delivered to the end-use customer.

11 (d) This section does not limit the ability of a regulatory  
12 authority or political subdivision to choose utility services for  
13 properties owned by the regulatory authority or political  
14 subdivision.

15 SECTION 2. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2021.