

1 AN ACT

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

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

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

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

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

11 (2) "Utility" has the meaning assigned by Section
12 181.901, except that the term does not include a person, company, or
13 corporation engaged in furnishing telephone service to the public.

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

24 (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.

President of the Senate

Speaker of the House

I certify that H.B. No. 17 was passed by the House on March 31, 2021, by the following vote: Yeas 116, Nays 29, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 17 was passed by the Senate on May 4, 2021, by the following vote: Yeas 28, Nays 2.

Secretary of the Senate

APPROVED: _____

Date

Governor