By: Deshotel H.B. No. 17

Substitute the following for H.B. No. 17:

By: _____ C.S.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

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

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

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

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

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