

BILL ANALYSIS

H.B. 2374
By: Landgraf
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, governmental entities such as the California Air Resources Board and the City of Dallas have taken steps to phase out the use of gas-powered lawn equipment, ban small gas-powered engines, and outlaw the construction of new gas stations. Based on these actions, legislation is needed to ensure local governments in Texas cannot create a patchwork of regulations across the state that limit individual liberty and hurt local businesses based on specific sources of fuel or engine types. H.B. 2374 seeks to protect energy choice by preventing political subdivisions from adopting or enforcing ordinances, orders, regulations, or similar measures which would limit access to specific fuel sources or prohibit the sale of engines based on their fuel source.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2374 amends the Local Government Code to prohibit a county, municipality, special district, school district, junior college district, or housing authority from adopting or enforcing an ordinance, order, regulation, or similar measure that does any of the following with respect to engines and the energy sources used to power them:

- limits access to an energy source or results in the effective prohibition of a wholesaler, retailer, energy producer, or related infrastructure, including a retail service station, that is necessary to provide access to a specific energy source; or
- directly or indirectly prohibits or restricts the use, sale, or lease of an engine based on its fuel source.

The bill expressly does not limit the authority of any such political subdivision to adopt or enforce a measure relating to an engine that does not effectively prohibit or restrict the use, sale, or lease of the engine and that is not preempted by state or federal law. The bill establishes that state law granting the state exclusive jurisdiction over oil and gas operations prevails to the extent of a conflict with the bill's provisions relating to the regulation of engines.

EFFECTIVE DATE

September 1, 2023.