

## **BILL ANALYSIS**

Senate Research Center  
88R18076 KBB-F

C.S.S.B. 1017  
By: Birdwell  
Business & Commerce  
3/30/2023  
Committee Report (Substituted)

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.B. 1017 will prevent political subdivisions in Texas from adopting or enforcing any regulation that prohibits or restricts the use, sale, or lease of an engine based on its fuel source. This legislation ensures that a political subdivision can still adopt or enforce regulations relating to an engine that does not effectively prohibit or restrict the engine and is not preempted by state or federal law. The bill would also prohibits political subdivisions from enacting regulations that would limit access to an energy source or that results in the effective prohibition of a wholesaler, retailer, energy producer, or related infrastructure that is necessary to provide access to a specific energy source.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1017 amends current law relating to the authority of a political subdivision to regulate an energy source or engine.

### **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 Subtitle C, Title 7, Local Government Code, by adding Chapter 247, as follows:

#### **CHAPTER 247. REGULATION OF ENERGY SOURCES AND ENGINES**

Sec. 247.001. DEFINITIONS. Defines "energy source," "engine," "political subdivision," and "retail service station."

Sec. 247.002. RESTRICTION ON REGULATION OF ENERGY SOURCES. Prohibits a political subdivision from adopting or enforcing an ordinance, order, regulation, or similar measure that limits access to an energy source or that 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.

Sec. 247.003. RESTRICTION ON REGULATION OF ENGINE. (a) Prohibits a political subdivision from adopting or enforcing an ordinance, order, regulation, or similar measure that directly or indirectly prohibits or restricts the use, sale, or lease of an engine based on its fuel source.

(b) Provides that this section does not limit the authority of a political subdivision to adopt or enforce an ordinance, order, regulation, or similar measure not preempted by state or federal law that:

(1) does not effectively prohibit or restrict the use, sale, or lease of an engine;

(2) enforces a regulation adopted by the Texas Commission on Environmental Quality for the purpose of reducing emissions from motor vehicle engines as authorized by Subtitle C (Air Quality), Title 5, Health and Safety Code; or

(3) only affects an engine owned or operated by the political subdivision.

(c) Provides that Section 81.0523 (Exclusive Jurisdiction and Express Preemption), Natural Resources Code, prevails to the extent of a conflict with this section.

SECTION 2. Effective date: September 1, 2023.