

By: Parker

S.B. No. 2204

A BILL TO BE ENTITLED

AN ACT

relating to exceptions to prohibited contracts or other agreements with certain foreign-owned companies in connection with critical infrastructure in this state.

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

SECTION 1. Section 113.001, Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, is amended by adding Subdivision (5) to read as follows:

(5) "Utility services" means telecommunication, electric, water, or wastewater services provided to a customer, and includes:

(A) demand response, load resource, net metering, and similar electric service programs; and

(B) transmission voltage and distribution voltage electric services.

SECTION 2. Section 113.002, Business & Commerce Code, as added by Chapter 975 (S.B. 2116), Acts of the 87th Legislature, Regular Session, 2021, is amended by adding Subsection (c) to read as follows:

(c) Subsection (a) does not apply to an agreement to:

(1) provide utility services to a company described by Subsection (a)(2); or

(2) construct, operate, or maintain infrastructure to

1 provide utility services to a company described by Subsection
2 (a)(2).

3 SECTION 3. Section 2274.0101, Government Code, is amended
4 by adding Subdivision (6) to read as follows:

5 (6) "Utility services" means telecommunication,
6 electric, water, or wastewater services provided to a customer, and
7 includes:

8 (A) demand response, load resource, net
9 metering, and similar electric service programs; and

10 (B) transmission voltage and distribution
11 voltage electric services.

12 SECTION 4. Section 2274.0102, Government Code, is amended
13 by adding Subsection (c) to read as follows:

14 (c) Subsection (a) does not apply to an agreement to:

15 (1) provide utility services to a company described by
16 Subsection (a)(2); or

17 (2) construct, operate, or maintain infrastructure to
18 provide utility services to a company described by Subsection
19 (a)(2).

20 SECTION 5. Section 113.002(c), Business & Commerce Code, as
21 added by this Act, and Section 2274.0102(c), Government Code, as
22 added by this Act, apply only to a contract or agreement entered
23 into on or after the effective date of this Act.

24 SECTION 6. This Act takes effect immediately if it receives
25 a vote of two-thirds of all the members elected to each house, as
26 provided by Section 39, Article III, Texas Constitution. If this
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2023.