

1-1 By: Birdwell, Hall S.B. No. 1017  
 1-2 (In the Senate - Filed February 17, 2023; March 3, 2023,  
 1-3 read first time and referred to Committee on Business & Commerce;  
 1-4 March 31, 2023, reported adversely, with favorable Committee  
 1-5 Substitute by the following vote: Yeas 11, Nays 0; March 31, 2023,  
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1017 By: Birdwell

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to the authority of a political subdivision to regulate an  
 1-24 energy source or engine.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Subtitle C, Title 7, Local Government Code, is  
 1-27 amended by adding Chapter 247 to read as follows:

1-28 CHAPTER 247. REGULATION OF ENERGY SOURCES AND ENGINES

1-29 Sec. 247.001. DEFINITIONS. In this chapter:

1-30 (1) "Energy source" means any fuel or power source  
 1-31 used to power an engine.

1-32 (2) "Engine" means a machine for converting an energy  
 1-33 source into mechanical force and motion, including a generator or  
 1-34 an internal combustion engine.

1-35 (3) "Political subdivision" includes a county,  
 1-36 municipality, special district, school district, junior college  
 1-37 district, or housing authority.

1-38 (4) "Retail service station" has the meaning assigned  
 1-39 by Section 753.001, Health and Safety Code.

1-40 Sec. 247.002. RESTRICTION ON REGULATION OF ENERGY SOURCES.

1-41 (a) A political subdivision may not adopt or enforce an ordinance,  
 1-42 order, regulation, or similar measure that limits access to an  
 1-43 energy source or that results in the effective prohibition of  
 1-44 infrastructure that is necessary to provide access to a specific  
 1-45 energy source, including a wholesaler, retailer, energy producer,  
 1-46 or related infrastructure, including a retail service station.

1-47 (b) This section does not limit the authority of a political  
 1-48 subdivision to adopt or enforce an ordinance, order, regulation, or  
 1-49 similar measure relating to an energy source, or infrastructure  
 1-50 that is necessary to provide access to a specific energy source,  
 1-51 that:

1-52 (1) provides siting requirements, including siting  
 1-53 requirements involving certain geographic areas;

1-54 (2) does not effectively prohibit the operation of an  
 1-55 energy source or infrastructure that is necessary to provide access  
 1-56 to a specific energy source; and

1-57 (3) is not preempted by state or federal law.

1-58 Sec. 247.003. RESTRICTION ON REGULATION OF ENGINES. (a) A  
 1-59 political subdivision may not adopt or enforce an ordinance, order,  
 1-60 regulation, or similar measure that directly prohibits or restricts

2-1 the use, sale, or lease of an engine based on its fuel source.  
 2-2 (b) This section does not limit the authority of a political  
 2-3 subdivision to adopt or enforce an ordinance, order, regulation, or  
 2-4 similar measure not preempted by state or federal law that:  
 2-5 (1) does not effectively prohibit or restrict the use,  
 2-6 sale, or lease of the engine;  
 2-7 (2) implements an agreement between the political  
 2-8 subdivision and the Texas Commission on Environmental Quality to  
 2-9 regulate motor vehicle idling under Section 382.019, Health and  
 2-10 Safety Code; or  
 2-11 (3) only affects an engine owned or operated by the  
 2-12 political subdivision.  
 2-13 (c) This section does not limit the authority of a political  
 2-14 subdivision to adopt an ordinance, order, regulation, resolution,  
 2-15 policy, or other similar measure to encourage, promote, or provide  
 2-16 rebates for cleaner engines and cleaner fuel sources and that does  
 2-17 not directly or effectively ban, restrict, or prohibit the use,  
 2-18 sale, or lease of an engine based on the engine's fuel source.  
 2-19 (d) Section 81.0523, Natural Resources Code, prevails to  
 2-20 the extent of a conflict with this section.  
 2-21 SECTION 2. This Act takes effect September 1, 2023.

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