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3 AMENDMENT TO HB446
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8 On page 1, delete lines 19 through 24 in their
9 entirety and insert in lieu thereof the following:

10 Relating to energy services; to provide that no
11 governmental entity may prohibit a person or entity from using
12 utility services from a provider that is capable of providing
13 service and is otherwise authorized to do business in this
14 state.
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16 On page 1, line 26, delete "(a)"
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18 Beginning on page 2, line 8 and continuing through
19 page 3, line 11, delete the language in its entirety and
20 insert in lieu thereof the following:

21 (2) UTILITY SERVICE. Electrical, natural gas, or
22 propane gas service provided to an end user.

23 Section 2. Except as otherwise provided in this act,
24 no governmental entity may adopt an ordinance, resolution,
25 regulation, or policy that prohibits, or has the effect of
26 restricting, a person's or entity's ability to use a utility

1 service of a provider that is authorized to do business in
2 this state.

3 Section 3. Nothing in this act shall be construed as
4 affecting a governmental entity's authority to do the
5 following:

6 (1) Exercise existing police powers to review and
7 approve an application before issuing building permits or to
8 otherwise enforce building, fire, and other public safety
9 codes. Provided, however, no governmental entity may deny a
10 building permit application based solely on the type of
11 utility service proposed for the project.

12 (2) License or permit a provider of a utility
13 service, or regulate the use of rights-of-way by a provider of
14 a utility service, in accordance with existing law. Provided,
15 however, no governmental entity may deny a license or permit
16 based solely on the type of utility service provided by the
17 provider.

18 (3) Regulate the permitting, safe handling, storage,
19 or use of propane gas.

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21 On page 3, line 12, delete "(e)" and insert in lieu
22 thereof the following:

23 Section 4.

24
25 On page 3, line 19, delete "Section 2." and insert
26 in lieu thereof the following:

27 Section 5.

