

1 HB446  
2 208317-2  
3 By Representatives Faulkner, Sells, Ingram, Holmes,  
4 Sanderford, Wheeler, Oliver, Whitt, Isbell, Estes, Wood (D),  
5 Wadsworth, Meadows, Pettus, Brown (K), Brown (C), Wingo,  
6 Collins, Wilcox, McMillan, Carns, Smith, Robertson,  
7 McCutcheon, Mooney, Hurst and Faust  
8 RFD: Transportation, Utilities and Infrastructure  
9 First Read: 24-FEB-21

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8 SYNOPSIS: This bill would prohibit a governmental  
9 entity from adopting or enforcing policies that  
10 prohibit the provision or purchase of utility  
11 energy services or related connections or  
12 reconnections based upon the type or source of  
13 utility energy service or fuel.

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15 A BILL  
16 TO BE ENTITLED  
17 AN ACT

18  
19 Relating to utility energy services; to prohibit  
20 governmental entities from adopting or enforcing any policy  
21 that prohibits the provision or purchase of any utility energy  
22 service and related connections or reconnections based upon  
23 the type or source of utility energy service or fuel; and to  
24 provide for an exception.

25 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

26 Section 1. (a) For the purposes of this section, the  
27 following terms shall have the following meanings:

1           (1) GOVERNMENTAL ENTITY. The state or any political  
2 subdivision thereof, or any executive or legislative  
3 department, unit, agency, board, commission, or authority of  
4 the state, or any political subdivision, or any public  
5 corporation, authority, agency, board, commission, or other  
6 governmental entity controlled by the state or by any  
7 political subdivision of the state.

8           (2) POLICY. Any requirement or prohibition contained  
9 in an ordinance, resolution, regulation, code, proclamation or  
10 any other requirement adopted by a governmental entity that is  
11 on its face enforceable or intended to be enforced or any  
12 practice or mandate undertaken in pursuance thereof by a  
13 governmental entity against any person, entity, or corporation  
14 or other governmental entity providing utility energy service.

15           (3) UTILITY ENERGY SERVICE. The retail or wholesale  
16 sale or provision of energy service, whether in the form of  
17 electricity, natural gas, fuel oil, propane, methane, ethanol,  
18 or other fuel, by a person, firm, or corporation engaged in  
19 the business of providing such service.

20           (b) No governmental entity or its governing body,  
21 officer, agent, or employee thereof, shall adopt, proclaim, or  
22 enforce any policy that prohibits, or has the effect of  
23 prohibiting, the provision or purchase of utility energy  
24 service or the connection or reconnection of piping or wiring,  
25 equipment, motor, or appliances used or usable for the purpose  
26 of utilizing any utility energy service to or by any person  
27 for retail or wholesale use based upon the form or type of

1 utility energy service, source of energy therefor, or fuel  
2 used therefor.

3 (c) Nothing in this section shall limit the ability  
4 of a governmental entity to select, install, or operate  
5 utility energy services of such type as it may choose for  
6 properties owned or operated by or for the benefit of the  
7 governmental entity.

8 (d) This section does not apply to the provision or  
9 purchase of utility energy service by any utility or utility  
10 system established and operated by a municipality under  
11 Chapter 50 of Title 11, Code of Alabama 1975.

12 (e) Nothing in this section shall be deemed to  
13 affect the rules of the Alabama Public Service Commission  
14 adopted in accordance with its powers under Title 37, Code of  
15 Alabama 1975. This section does not limit or restrict the  
16 power or authority of a utility to take action pursuant to any  
17 rules of the commission or the practices established under the  
18 rules.

19 Section 2. This act shall become effective on the  
20 first day of the third month following its passage and  
21 approval by the Governor, or its otherwise becoming law.