

HOUSE BILL No. 1191

DIGEST OF INTRODUCED BILL

Citations Affected: IC 8-1-2-101.2.

Synopsis: Local unit power to prohibit utility connection. Provides that the legislative body of a city or town or a county executive does not have the power to prohibit: (1) a public utility or department of public utilities from furnishing utility service to a utility customer; or (2) a customer of a public utility or department of public utilities from purchasing, using, or connecting or reconnecting to a utility service; based on the energy source of the utility service. Provides that any code, ordinance, land use regulation, or general or specific plan provision adopted by the legislative body of a city or town or a county executive must preserve the ability of an owner of private property to use the utility service of a utility service provider that is authorized by state law to provide the utility service.

Effective: January 1, 2021 (retroactive).

Pressel, Manning, Soliday

January 7, 2021, read first time and referred to Committee on Utilities, Energy and Telecommunications.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1191

A BILL FOR AN ACT to amend the Indiana Code concerning utilities.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 8-1-2-101.2 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2021 (RETROACTIVE)]: **Sec. 101.2. (a) The following**
4 **definitions apply throughout this section:**
5 (1) "Energy source" means:
6 (A) the method of generation; or
7 (B) the fuel source;
8 used to provide or supply utility service to a customer. The
9 term includes any nonrenewable or renewable energy source.
10 (2) "Executive" has the meaning set forth in IC 36-1-2-5.
11 (3) "Municipal council" has the meaning set forth in section
12 1(b) of this chapter.
13 (4) "Private property" means real property that is not owned
14 or leased by a municipality or county.
15 (5) "Utility service" means any service provided by a public
16 utility or department of public utilities relating to:
17 (A) the generation, production, transmission, or



- 1 distribution of electricity to or for the public, for
2 compensation; or
3 **(B) the production, manufacture, storage, transportation,**
4 **distribution, sale, or furnishing of:**
5 (i) natural gas;
6 (ii) artificial or manufactured gas; or
7 (iii) a mixture of natural gas and artificial or
8 manufactured gas;
9 to or for the public, for compensation;
10 for heat, light, power, or other uses.
11 **(b) A municipal council or county executive does not have the**
12 **power to enact any code, ordinance, or land use regulation that**
13 **would prohibit or have the effect of prohibiting, or to otherwise**
14 **regulate in a manner that would prohibit or have the effect of**
15 **prohibiting:**
16 (1) a public utility or department of public utilities from
17 furnishing utility service to a utility customer; or
18 (2) a customer of a public utility or department of public
19 utilities from:
20 (A) purchasing;
21 (B) using; or
22 (C) connecting or reconnecting to;
23 a utility service;
24 based on the energy source of the utility service.
25 **(c) Any code, ordinance, land use regulation, or general or**
26 **specific plan provision adopted by a municipal council or county**
27 **executive must preserve the ability of an owner of private property**
28 **to use the utility service of a utility service provider that is**
29 **authorized under this title to provide the utility service.**
30 SECTION 2. An emergency is declared for this act.

