

# HOUSE BILL No. 1191

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## 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).

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## Pressel, Manning, Soliday

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

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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.

