



HOUSE BILL 220: Choice of Energy/Additional Provisions.

2021-2022 General Assembly

Committee:

Introduced by: Reps. Arp, Miller, Saine, Szoka

Analysis of: Ratified

Date:

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Prepared by:

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OVERVIEW: *House Bill 220 would: (1) prohibit local governments from adopting any ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service; and (2) expand an exemption from public records for detailed plans and drawings of public buildings and infrastructure facilities, and add a new exemption for specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure for energy, water, and wastewater utilities.*

House Bill 220 was ratified by the General Assembly on November 30, 2021, and vetoed by the Governor on December 9, 2021.

BILL ANALYSIS:

Section 1: Energy Choice

CURRENT LAW AND BACKGROUND: For purposes of this bill, the term "energy service" would mean the energy source that a consumer may choose to use to heat or cool buildings, produce hot water, operate equipment, operate appliances, or any other similar activities, where the energy source is derived from one or more of a variety of sources such as natural gas; renewable gas; hydrogen; liquefied petroleum gas, renewable liquefied petroleum gas, or other liquid petroleum products and that is delivered to the consumer by an entity legally authorized to provide such service; or electricity that is derived from one or more sources of electric generation and is delivered to the consumer by an entity legally authorized to provide such service and the distribution of the electricity occurs according to the territorial rights established by [G.S. 160A-331.2](#), [G.S. 160A-332](#), or [G.S. 62-110.2](#). The terms "renewable gas" and "renewable liquefied petroleum gas" would mean gas derived from a renewable energy resource.

Section 1.(a) of House Bill 220 would prohibit a city from adopting an ordinance that prohibits connection, reconnection, modification, or expansion of an energy service based on the type or source of energy to be delivered to the end-user of the energy service. **Section 1.(b)** would apply the same prohibition to counties.

Sections 1.(a) and 1.(b) of the bill would not be construed to:

- Limit the ability of a local government to choose the energy service for property owned by the local government.
- Prohibit a local government from recovering reasonable costs associated with reviewing and issuing a permit.

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- Affect the authority of a local government to manage or operate a utility owned by the local government, including the local government's authority to require persons residing within their jurisdictions to obtain energy service from a utility owned by local government or a joint municipal power agency of which a city is a member.
- Impair any contract executed by a city prior to the effective date of this act for the supply of electric service.

Section 2: Sensitive Public Security Information Public Records Changes

CURRENT LAW AND BACKGROUND:

[G.S. 132-1](#) broadly defines "public records" as "all documents, papers, letters, maps, books, photographs, films, sound records, magnetic or other tapes, electronic data-processing records, artifacts, or other documentary material, regardless of physical form or characteristics, made or received pursuant to law or ordinance in connection with the transaction of public business by any agency of North Carolina government or its subdivisions."

State public records law provides that since public records and information compiled by the agencies of North Carolina government are the property of the people, it is therefore the policy of the State that people may obtain copies of these records unless the particular records are subject to a statutory exception that prevents their public disclosure.

[G.S. 132-1.7](#) excludes detailed plans and drawings of public buildings and infrastructure facilities from the definition of "public records."

Section 2 would broaden the exclusion from public records disclosure for detailed plans and drawings of public buildings and infrastructure facilities to include detailed plans and drawings contained in information storage systems or geographic information system (GIS) databases. Furthermore, it would exclude from disclosure as a public record specific engineering, vulnerability, or detailed design information about proposed or existing critical infrastructure (both physical and virtual) for energy, water, and wastewater utilities. This section would also make technical and formatting changes to the existing exemptions in the statute.

Section 3: Technical Correction

Section 3 would make a purely technical correction to an incorrect statutory citation included in [H218/S.L. 2021-164](#).

EFFECTIVE DATE: House Bill 220 was ratified by the General Assembly on November 30, 2021, and vetoed by the Governor on December 9, 2021.

Kyle Evans and Chris Saunders, Staff Attorneys, LAD, substantially contributed to this summary.