

By: Gallego

H.B. No. 3941

A BILL TO BE ENTITLED

AN ACT

relating to the elimination, temporary suspension, and lawful uses of certain state fees and taxes.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 39.903, Utility Code, is amended by amending Subsections (a), (b), and (e) and by adding Subsection (m) to read as follows:

Sec. 39.903. SYSTEM BENEFIT FUND. (a) The system benefit fund is an account in the general revenue fund. Money in the account may be appropriated only for the purposes provided by this section [~~or other law~~]. Interest earned on the system benefit fund shall be credited to the fund. Section 403.095, Government Code, does not apply to the system benefit fund.

(b) Except as provided by Subsection (m), the [~~The~~] system benefit fund is financed by a nonbypassable fee set by the commission in an amount not to exceed 65 cents per megawatt hour. The system benefit fund is allocated to customers based on the amount of kilowatt hours used.

(e) Money in the system benefit fund may be appropriated to provide funding solely for the following regulatory purposes, in the following order of priority:

(1) programs to:

(A) assist low-income electric customers by providing the 10-20 percent reduced rate prescribed by Subsection

1 (h); and

2 (B) provide one-time bill payment assistance to  
3 electric customers who have been threatened with disconnection for  
4 nonpayment and:

5 (i) met the criteria for receiving a  
6 reduced rate but did not receive any assistance in the prior fiscal  
7 year or

8 (ii) are or who have in their households one  
9 or more seriously ill or disabled low-income persons [~~and who have~~  
10 ~~been threatened with disconnection for non-payment~~];

11 (2) customer education programs, administrative  
12 expenses incurred by the commission in implementing and  
13 administering this chapter, and expenses incurred by the office  
14 under this chapter;

15 (3) programs to assist low-income electric customers  
16 by providing the targeted energy efficiency programs described by  
17 Subsection (f)(2);

18 (4) programs to assist low-income electric customers  
19 by providing the 20% reduced rate prescribed by Subsection (h); and

20 (5) reimbursement to the commission and the Health and  
21 Human Services Commission for expenses incurred in the  
22 implementation and administration of an integrated eligibility  
23 process created under Section 17.007 for customer service discounts  
24 relating to retail electric service, including outreach expenses  
25 the commission determines are reasonable and necessary.

26 (m) The fee prescribed by Subsection (b) is suspended during  
27 any fiscal year for which the amount of money in the fund, including

1 balances from a prior fiscal year, exceeds the amount appropriated  
2 for that fiscal year. The commission by rule shall adopt procedures  
3 for implementing this section.

4 SECTION 2. Section 771.071 Health and Safety Code, is  
5 amended by adding Subsection (g) to read as follows:

6 (g) The fee prescribed under this Section is suspended  
7 during any fiscal year for which the amount of money in the fund,  
8 including balances from a prior fiscal year, exceeds the amount  
9 appropriated for that fiscal year. The commission by rule shall  
10 adopt procedures for implementing this section.

11 SECTION 3. Section 771.0711, Health and Safety Code, is  
12 amended by amending Subsection (a) and adding Subsection (k) to  
13 read as follows:

14 Sec. 771.0711. EMERGENCY SERVICE FEE FOR WIRELESS  
15 TELECOMMUNICATIONS CONNECTIONS. (a) Except as provided by  
16 Subsection (k), to ~~[To]~~ provide for automatic number identification  
17 and automatic location identification of wireless 9-1-1 calls, the  
18 commission shall impose on each wireless telecommunications  
19 connection a 9-1-1 emergency service fee. A political subdivision  
20 may not impose another fee on a wireless service provider or  
21 subscriber for 9-1-1 emergency service.

22 (k) The fee prescribed under Subsection (a) is suspended  
23 during any fiscal year for which the amount of money in the fund,  
24 including balances from a prior fiscal year, exceeds the amount  
25 appropriated for that fiscal year. The commission by rule shall  
26 adopt procedures for implementing this section.

27 SECTION 4. Section 771.072, Health and Safety Code, is

1 amended by amending Subsection (a) and adding Subsection (h) to  
2 read as follows:

3       Sec. 771.072. EQUALIZATION SURCHARGE.   (a) Except as  
4 provided by Subsection (h), in [~~In~~] addition to the fee imposed  
5 under Section 771.071, the commission shall impose a 9-1-1  
6 equalization surcharge on each customer receiving intrastate  
7 long-distance service, including customers in an area served by an  
8 emergency communication district, even if the district is not  
9 participating in the regional plan.

10       (h) The fee prescribed under Subsection (a) is suspended  
11 during any fiscal year for which the amount of money in the fund,  
12 including balances from a prior fiscal year, exceeds the amount  
13 appropriated for that fiscal year. The commission by rule shall  
14 adopt procedures for implementing this section.

15       SECTION 5. Subchapter C (Telecommunications Infrastructure  
16 Fund), Chapter 57, Utilities Code, is repealed.

17       SECTION 6. This Act takes effect on September 1, 2007.