

By: Pitts, Anderson, Dunnam, Gattis,
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H.B. No. 230

A BILL TO BE ENTITLED

1 AN ACT

2 relating to exempting certain schools, nonprofit athletic or sports
3 associations, municipally owned facilities, summer camps, places
4 of worship, and fairgrounds from certain demand charges by
5 transmission and distribution utilities.

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

7 SECTION 1. Subchapter A, Chapter 35, Utilities Code, is
8 amended by adding Section 35.009 to read as follows:

9 Sec. 35.009. BILLING DEMAND FOR CERTAIN UTILITY CUSTOMERS.

10 Notwithstanding any other provision of this code, a transmission
11 and distribution utility shall exclude the following from the
12 application of any ratchet provision contained in a tariff relating
13 to distribution service:

14 (1) public and private schools;

15 (2) nonprofit athletic and sports associations;

16 (3) municipally owned facilities;

17 (4) summer camps for youths;

18 (5) places of worship; and

19 (6) an agricultural facility or fairgrounds owned or
20 operated by a nonprofit organization that is exempt from federal
21 income taxation under Section 501 or 503, Internal Revenue Code of
22 1986.

23 SECTION 2. The Public Utility Commission of Texas shall
24 adopt rules as necessary to implement Section 35.009, Utilities

1 Code, as added by this Act, as soon as practicable. A transmission
2 and distribution utility shall exclude from the application of
3 ratchet provisions contained in its tariffs each school,
4 association, facility, summer camp for youths, place of worship, or
5 fairground as provided by Section 35.009, Utilities Code, as added
6 by this Act, not later than January 1, 2010.

7 SECTION 3. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect, this
11 Act takes effect September 1, 2009.