

By: J. Davis of Harris

H.B. No. 2406

A BILL TO BE ENTITLED

AN ACT

relating to transferring certain energy assistance programs from the Texas Department of Housing and Community Affairs to the Public Utility Commission of Texas.

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

SECTION 1. Section 2306.097, Government Code, is transferred to Subchapter B, Chapter 16, Utilities Code, redesignated as Section 16.022, Utilities Code, and amended to read as follows:

Sec. 16.022 [~~2306.097~~]. STATE LOW-INCOME ENERGY ASSISTANCE PROGRAM [~~ENERGY SERVICES PROGRAM FOR LOW-INCOME INDIVIDUALS~~]. (a) The commission [~~The Energy Services Program for Low-Income Individuals shall operate in conjunction with the community services block grant program and~~] has jurisdiction and responsibility for administration of the following elements of the State Low-Income Energy Assistance Program, from whatever sources funded:

- (1) the Energy Crisis Intervention Program;
- (2) the weatherization program; and
- (3) the Low-Income Home Energy Assistance Program.

(b) Applications, forms, and educational materials for a program administered under Subsection (a)(1), (2), or (3) must be provided in English, Spanish, and any other appropriate language.

SECTION 2. Section 39.903(f), Utilities Code, is amended to

1 read as follows:

2 (f) Notwithstanding Section 39.106(b), the commission shall
3 adopt rules regarding programs to assist low-income electric
4 customers on the introduction of customer choice. The programs may
5 not be targeted to areas served by municipally owned utilities or
6 electric cooperatives that have not adopted customer choice. The
7 programs shall include:

8 (1) reduced electric rates as provided by Subsections
9 (h)-(1); and

10 (2) targeted energy efficiency programs to be
11 administered [~~by the Texas Department of Housing and Community~~
12 ~~Affairs~~] in coordination with existing weatherization programs.

13 SECTION 3. Section 2305.036(c), Government Code, is amended
14 to read as follows:

15 (c) Projects funded under this program may include:

16 (1) projects to demonstrate commercially available
17 cost-effective energy-saving techniques and technologies;

18 (2) training and technical assistance in
19 energy-efficient construction, design, or remodeling;

20 (3) projects to provide energy education workshops or
21 seminars for consumers;

22 (4) financing for energy designs and improvements,
23 energy-efficient appliances, and energy management systems; and

24 (5) funding of a weatherization assistance program
25 through the Public Utility Commission of Texas [~~Texas Department Of~~
26 ~~Housing and Community Affairs~~] to benefit individuals of low
27 income.

1 SECTION 4. Section 2306.187(e), Government Code, is amended
2 to read as follows:

3 (e) Subsections (a) and (b) do not apply to a single or
4 multifamily dwelling that receives weatherization assistance money
5 from the Public Utility Commission of Texas [~~department~~] or money
6 provided under the first-time homebuyer program.

7 SECTION 5. (a) As soon as practicable after the effective
8 date of this Act, the Texas Department of Housing and Community
9 Affairs and the Public Utility Commission of Texas shall develop a
10 transition plan for transferring the functions performed by the
11 department under Section 2306.097, Government Code, to the
12 commission. The transition plan must include a timetable with
13 specific steps and deadlines needed to complete the transfer.

14 (b) In accordance with the transition plan developed by the
15 Texas Department of Housing and Community Affairs and the Public
16 Utility Commission of Texas under Subsection (a) of this section,
17 on November 1, 2011:

18 (1) all functions and activities relating to Section
19 2306.097, Government Code, performed by the Texas Department of
20 Housing and Community Affairs immediately before that date are
21 transferred to the Public Utility Commission of Texas;

22 (2) a rule or form adopted by the executive director of
23 the Texas Department of Housing and Community Affairs that relates
24 to Section 2306.097, Government Code, is a rule or form of the
25 Public Utility Commission of Texas and remains in effect until
26 amended or replaced by the commission;

27 (3) a reference in law to or an administrative rule of

1 the Texas Department of Housing and Community Affairs that relates
2 to Section 2306.097, Government Code, means the Public Utility
3 Commission of Texas;

4 (4) a complaint, investigation, or other proceeding
5 before the Texas Department of Housing and Community Affairs that
6 is related to Section 2306.097, Government Code, is transferred
7 without change in status to the Public Utility Commission of Texas,
8 and the commission assumes, as appropriate and without a change in
9 status, the position of the department in an action or proceeding to
10 which the department is a party;

11 (5) any employee of the Texas Department of Housing
12 and Community Affairs who is primarily involved in administering
13 Section 2306.097, Government Code, becomes an employee of the
14 Public Utility Commission of Texas;

15 (6) all money, contracts, leases, property, and
16 obligations of the Texas Department of Housing and Community
17 Affairs related to Section 2306.097, Government Code, are
18 transferred to the Public Utility Commission of Texas;

19 (7) all property in the custody of the Texas
20 Department of Housing and Community Affairs related to Section
21 2306.097, Government Code, is transferred to the Public Utility
22 Commission of Texas; and

23 (8) the unexpended and unobligated balance of any
24 money appropriated by the legislature for the Texas Department of
25 Housing and Community Affairs related to Section 2306.097,
26 Government Code, is transferred to the Public Utility Commission of
27 Texas.

1 (c) Before November 1, 2011, the Texas Department of Housing
2 and Community Affairs may agree with the Public Utility Commission
3 of Texas to transfer any property of the department to the
4 commission to implement the transfer required by this Act.

5 (d) In the period beginning September 1, 2011, and ending on
6 November 1, 2011, the Texas Department of Housing and Community
7 Affairs shall continue to perform functions and activities under
8 Section 2306.097, Government Code, as if that section had not been
9 transferred, redesignated, and amended by this Act, and the former
10 law is continued in effect for that purpose.

11 SECTION 6. This Act takes effect September 1, 2011.