

BILL ANALYSIS

C.S.H.B. 7
By: Darby
Appropriations
Committee Report (Substituted)

BACKGROUND AND PURPOSE

For more than 20 years, certain unspent dedicated revenue in the general revenue fund has counted toward overall budget certification. There is concern that these amounts have grown substantially during that time, and there are additional concerns regarding allocations from the system benefit fund. C.S.H.B. 7 seeks to address the amounts, availability, and use of certain statutorily dedicated revenue and accounts and to reduce or affect the amounts or rates of certain statutorily dedicated fees and assessments.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Public Utility Commission of Texas in SECTIONS 15, 17, and 23 and to the Health and Human Services Commission in SECTION 17 of this bill.

ANALYSIS

C.S.H.B. 7 amends the Government Code to require the Legislative Budget Board (LBB) to develop and implement a process to review new legislative enactments that create dedicated revenue and the appropriation and accumulation of dedicated revenue and available dedicated revenue; to develop and implement tools to evaluate the use of available dedicated revenue for state government financing and budgeting; and to develop specific and detailed recommendations on actions the legislature may reasonably take to reduce state government's reliance on available dedicated revenue for the purpose of budget certification by the comptroller of public accounts. The bill requires the LBB to incorporate into its budget recommendations appropriate measures to reduce state government's reliance on available dedicated revenue for the purpose of budget certification, to include with those budget recommendations plans for further reducing state government's reliance on available dedicated revenue for those purposes for the succeeding six years, and to consult with the comptroller as necessary to accomplish these requirements.

C.S.H.B. 7 makes available for any general governmental purpose all interest or other earnings that accrue on all revenue held in an account in the general revenue fund any part of which are available for budget certification and requires the comptroller to deposit the interest and earnings to the credit of the general revenue fund. This reallocation of interest does not apply to interest or earnings on revenue deposited in special depository banks designated by the governing boards of each state institution of higher education or to interest or earnings on deposits of federal money the diversion of which is specifically excluded by federal law.

C.S.H.B. 7 amends the Health and Safety Code to reduce the solid waste disposal fees charged by the Texas Commission on Environmental Quality (TCEQ) as follows:

- from \$1.25 to 94 cents per ton received for disposal at a municipal solid waste landfill for solid waste measured by weight;
- from 40 cents to 30 cents per cubic yard received for disposal at a municipal solid waste

landfill for compacted solid waste measured by volume; and

- from 25 cents to 19 cents per cubic yard received for disposal at a municipal solid waste landfill for uncompacted solid waste measured by volume.

The bill prohibits TCEQ from charging such a fee for source separated materials, rather than only source separated yard waste materials, that are processed at a composting and mulch processing facility, rather than just a composting facility. The bill requires TCEQ to credit any such fee payment due for any material received and processed to mulch product, in addition to compost product. The bill excludes a mulch product or compost product produced at a processing facility that is used in the operation of the facility or is disposed of in a landfill from the fee exemption instead of excluding any compost product for composting that is not used as compost and is deposited in a landfill.

C.S.H.B. 7 increases from 50 to 66.7 the percentage of revenue received by TCEQ from solid waste disposal and transportation fees to be dedicated to certain TCEQ programs and support activities related to those programs and certain activities that will enhance the state's solid waste management program. The bill includes site remediation programs among the programs. The bill decreases from 50 to 33.3 the percentage of the same revenue received by TCEQ to be dedicated to local and regional solid waste projects consistent with regional plans approved by TCEQ and to update and maintain those plans.

C.S.H.B. 7 adds a temporary provision, set to expire September 30, 2014, to authorize money in the hazardous and solid waste remediation fee account attributable to fees imposed on the sale of batteries to be used for environmental remediation at the site of a closed battery recycling facility located in the municipal boundaries of a municipality if the municipality submits to TCEQ a voluntary compliance plan for the site and is paying or has paid for part of the costs of the environmental remediation of that site.

C.S.H.B. 7 authorizes money in the 9-1-1 services fee fund to be appropriated to the Texas A&M Forest Service for providing assistance to volunteer fire departments under the Rural Volunteer Fire Department Assistance Program. The bill authorizes money collected from the 9-1-1 emergency services fee for wireless telecommunications connections to be used for such purpose, in addition to being used for services related to 9-1-1 services.

C.S.H.B. 7 authorizes money in the designated trauma facility and emergency medical services account to be appropriated to the Texas Higher Education Coordinating Board for graduate-level medical education programs or nursing education programs, in addition to other approved purposes.

C.S.H.B. 7 amends the Insurance Code to change the comptroller's assessment against all applicable insurers for rural fire protection from a combined total of \$30 million for each 12-month period to amounts for each state fiscal year necessary, as determined by the commissioner of insurance, to collect a combined total equal to the total amount that the General Appropriations Act appropriates from the volunteer fire department assistance fund account in the general revenue fund for that state fiscal year.

C.S.H.B. 7 amends the Natural Resources Code to expand the authorized uses of money in the oil and gas regulation and cleanup fund to include the study and evaluation of electronic access to geologic data and surface casing depths necessary to protect usable groundwater in the state. The bill requires money from certain fees collected by the Railroad Commission of Texas with regard to a letter of determination stating the total depth of surface casing for an oil or gas well to be deposited in the oil and gas regulation and cleanup fund and removes the provision authorizing money collected from a fee for processing a request to expedite a letter of determination to be used specifically to study and evaluate electronic access to geologic data and surface casing depths necessary to protect usable groundwater.

C.S.H.B. 7 amends the Transportation Code to require the comptroller to monitor transfers to and from the Texas emissions reduction plan fund, in addition to establishing a record of the amount of title application fees deposited to the credit of the Texas Mobility Fund. The bill authorizes the comptroller to require the Texas Department of Motor Vehicles (TxDMV), rather than directly requiring TxDMV, to remit certain fee amounts monthly to the comptroller for deposit to the credit of the Texas emissions reduction plan fund, changes the current remittance amount to a cap, and conditions that capped amount on it being an amount of money that the comptroller determines is necessary to meet amounts appropriated from the Texas emissions reduction plan fund or, after consultation with TCEQ, if a fee is imposed on stationary sources in a county located in a severe or extreme ozone nonattainment area as provided by federal law, an amount of money not to exceed the amount of the total of the additional \$5 collected in fees that is attributable to applicants for titles, other than the state or political subdivisions thereof, who reside in a county located in a nonattainment area or in an affected county, as that term is defined for purposes of the Texas emissions reduction plan. The bill authorizes the Texas Transportation Commission to designate for congestion mitigation projects or for deposit to the Texas rail relocation fund eligible amounts retained in the state highway fund because the amounts were not required to be remitted to the comptroller.

C.S.H.B. 7 requires the comptroller, not later than September 30, 2013, to eliminate all dedicated accounts established for specialty license plates and to set aside the balances of those dedicated accounts so that the balances may be appropriated only for the purposes intended as provided by the dedications. The bill requires the portion of a fee payable as related to specialty license plates for general distribution that is designated for deposit to a dedicated account, on and after September 1, 2013, to be paid instead to the credit of an account in a trust fund created by the comptroller outside the general revenue fund. The bill requires the comptroller to administer the trust fund and accounts and authorizes the comptroller to allocate the corpus and earnings on each account only in accordance with the dedications of the revenue deposited to the trust fund accounts.

C.S.H.B. 7 amends the Utilities Code to require the Public Utility Commission of Texas (PUC) to adopt and enforce rules requiring transmission and distribution utilities to establish a low-income electric customers program fund under PUC oversight, in replacement of existing rules regarding programs to assist low-income electric customers on the introduction of customer choice. The bill requires the rules to provide for the fund to be established as a trust fund outside of the state treasury, for the fund to be held by an administrator selected by the transmission and distribution utilities in accordance with standards adopted by the PUC, and for any interest earned on money in the fund to be credited to the fund. The bill establishes that the administrator serves as trustee of the fund for the benefit of low-income electric customer programs described by the bill and authorizes the administrator, in accordance with PUC rules, to make any payments or reimbursements from the low-income electric customers program fund to further the programs. The bill requires PUC rules to prescribe the maximum percentage of money available in the fund that may be used for the expenses of administering the fund and for annual independent auditing of the fund and expenditures and other transactions related to the fund. The bill authorizes the PUC or its agents at any time to examine any records related to the fund or investigate any fund-related expenditures or expenses. The bill requires the administrator and each transmission and distribution utility to cooperate fully with any investigation regarding the fund conducted by the PUC or its agents. The bill requires the PUC by rule to impose a nonbypassable low-income electric customers program fund fee to be set by the PUC in an amount capped at 50 cents per megawatt hour, allocated to customers based on the amount of kilowatt hours used. The bill requires the PUC to provide for a nonbypassable fee in the same amount as that nonbypassable low-income electric customers program fund fee to be imposed on the retail electric customers of a municipally owned utility or electric cooperative beginning on the first day of the sixth month preceding the date on which the utility or cooperative implements customer choice. The bill requires adopted PUC rules to provide that the low-income electric customers program fund fees collected for the applicable programs are collected through the rates of the transmission and distribution service providers and deposited into the low-income

electric customers program fund.

C.S.H.B. 7 authorizes money in the low-income electric customers program fund only for spending and allocation as follows:

- not more than 96 percent of the money available in the fund must be used to provide a 15 percent reduced rate for low-income households;
- not more than four percent of the money available in the fund must be used for bill payment assistance for residential customers who have a person permanently residing in the person's home who is diagnosed by a physician as being dependent on an electric-powered medical device to sustain life and who have total household incomes not to exceed 400 percent of the federal poverty guidelines;
- money appropriated for the purposes of programs to assist low-income electric customers by providing weatherization or other energy efficiency programs and transferred to the fund may be used to finance low-income electric customer weatherization programs, to be operated by a statewide network of federal weatherization program providers under federal weatherization program guidelines, including related low-income energy efficiency programs.

C.S.H.B. 7 makes certain provisions relating to the system benefit fund applicable to the low-income electric customers program fund, including those relating to a retail electric provider's determination of a reduced rate for eligible customers to be discounted off the standard retail service package and the establishment of a similar reduced rate by municipally owned utilities and electric cooperatives, with those rate reductions to be paid by the low-income electric customers program fund. The bill requires the PUC to require a retail electric provider to apply the same rate reduction to any rate plan under which an eligible low-income electric customer is receiving service and revises the minimum reduction amounts and the contingencies available should the low-income electric customers program fund be insufficient to pay for the rate reductions. Such contingencies include increasing the fee amount to its 50-cent cap and reducing the reduction rate, depending on the circumstances. The bill revises provisions relating to the reimbursement of a retail electric provider, a municipally owned utility, or electric cooperative from the low-income electric customers program fund and relating to the adoption of rules providing for methods of enrolling customers eligible to receive the reduced rates and governing the bill payment assistance program.

C.S.H.B. 7 prohibits the imposition of the low-income electric customers program fund fee after August 31, 2023, and after that date requires the PUC and the fund administrator to undertake to continue the low-income electric customers program until the balance of the fund is exhausted.

C.S.H.B. 7 authorizes money in the system benefit fund for appropriation only for the purposes provided by provisions governing the system benefit fund, to the exclusion of other law. The bill decreases from 65 to two cents per megawatt hour the cap on the nonbypassable fee set by the PUC that finances the system benefit fund. The bill requires the PUC to adopt rules providing for reimbursements from appropriated system benefit fund money for certain authorized activities. The bill removes from the regulatory purposes for which money in the system benefit fund is authorized for appropriation certain programs relating to assisting low-income electric customers, which are now accounted for by the low-income electric customers program fund, with the exception of programs to assist low-income electric customers by providing weatherization programs, in addition to other energy efficiency programs that replace certain targeted energy efficiency programs. The bill removes a provision prioritizing the authorized regulatory purposes with respect to appropriations from the system benefit fund.

C.S.H.B. 7 authorizes the legislature to appropriate from the system benefit fund not more than \$50 million each state fiscal biennium for the purposes of weatherization or other energy efficiency programs for low-income electric customers and requires money appropriated for

those purposes to be transferred to the low-income electric customers program fund for disbursement.

C.S.H.B. 7 requires the PUC by rule to provide for an integrated eligibility process for customer service discounts under the low-income electric customers program fund, rather than the system benefit fund, and requires the PUC to adopt or revise, as necessary to implement the bill, rules governing the system benefit fund and the low-income electric customers program fund, both existing and added by the bill, not later than January 1, 2014.

C.S.H.B. 7 amends the Water Code to add temporary provisions, set to expire September 1, 2021, to require TCEQ to prepare an annual report regarding the status of corrective actions for sites reported to TCEQ under provisions regarding underground and aboveground storage tanks as having had a release needing corrective actions and to issue the report to the legislature on or before November 1 of each year. The bill sets out the required contents of the report regarding sites reported to TCEQ as having had a release needing corrective action on or before December 22, 1998, and that remain in the TCEQ PST State-Lead Program on September 1, 2013, and regarding sites reported to TCEQ as having had a release needing corrective action after December 22, 1998, for which TCEQ has elected to assume responsibility for undertaking corrective action. The bill requires TCEQ to investigate the amount of fees that would be necessary to cover the costs necessary to conclude programs and activities relating to water quality control for underground and aboveground storage tanks before September 1, 2021. The bill requires TCEQ to include in the annual report the conclusions of the investigation and TCEQ's recommendations regarding the fees and programs and activities.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2013.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 7 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and highlighted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.024 to read as follows:

Sec. 322.024. REDUCTION OF RELIANCE ON AVAILABLE DEDICATED REVENUE FOR BUDGET CERTIFICATION. (a) In this section, "available dedicated revenue" means revenue that Section 403.095 makes available for certification under Section 403.121.

(b) The board shall:

(1) develop and implement a process to review:

(A) new legislative enactments that create dedicated revenue; and

(B) the appropriation and accumulation of dedicated revenue and available dedicated revenue;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.024 to read as follows:

Sec. 322.024. REDUCTION OF RELIANCE ON AVAILABLE DEDICATED REVENUE FOR BUDGET CERTIFICATION. (a) In this section, "available dedicated revenue" means revenue that Section 403.095 makes available for certification under Section 403.121.

(b) The board shall:

(1) develop and implement a process to review:

(A) new legislative enactments that create dedicated revenue; and

(B) the appropriation and accumulation of dedicated revenue and available dedicated revenue;

(2) develop and implement tools to evaluate the use of available dedicated revenue for state government financing and budgeting; and

(3) develop specific and detailed recommendations on actions the legislature may reasonably take to reduce state government's reliance on available dedicated revenue for the purposes of certification under Section 403.121 as authorized by Section 403.095.

(c) The board shall incorporate into the board's budget recommendations appropriate measures to reduce state government's reliance on available dedicated revenue for the purposes of certification under Section 403.121 as authorized by Section 403.095.

(d) The board shall consult the comptroller as necessary to accomplish the objectives of Subsections (b) and (c).

SECTION 2. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0956 to read as follows:

Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN DEDICATED REVENUE. Notwithstanding any other law, all interest or other earnings that accrue on all revenue held in an account in the general revenue fund any part of which Section 403.095 makes available for certification under Section 403.121 are available for any general governmental purpose, and the comptroller shall deposit the interest and earnings to the credit of the general revenue fund. This section does not apply to interest or earnings on revenue deposited in accordance with Section 51.008, Education Code.

SECTION 3. Section 361.013(a), Health and Safety Code, is amended to read as follows:

(a) Except as provided by Subsections (e) through (i), the commission shall charge a fee on all solid waste that is disposed of

(2) develop and implement tools to evaluate the use of available dedicated revenue for state government financing and budgeting; and

(3) develop specific and detailed recommendations on actions the legislature may reasonably take to reduce state government's reliance on available dedicated revenue for the purposes of certification under Section 403.121 as authorized by Section 403.095.

(c) The board shall incorporate into the board's budget recommendations appropriate measures to reduce state government's reliance on available dedicated revenue for the purposes of certification under Section 403.121 as authorized by Section 403.095 and shall include with the budget recommendations plans for further reducing state government's reliance on available dedicated revenue for those purposes for the succeeding six years.

(d) The board shall consult the comptroller as necessary to accomplish the objectives of Subsections (b) and (c).

SECTION 2. Subchapter F, Chapter 403, Government Code, is amended by adding Section 403.0956 to read as follows:

Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN DEDICATED REVENUE. Notwithstanding any other law, all interest or other earnings that accrue on all revenue held in an account in the general revenue fund any part of which Section 403.095 makes available for certification under Section 403.121 are available for any general governmental purpose, and the comptroller shall deposit the interest and earnings to the credit of the general revenue fund. This section does not apply to:

(1) interest or earnings on revenue deposited in accordance with Section 51.008, Education Code; or

(2) interest or earnings on deposits of federal money the diversion of which is specifically excluded by federal law.

SECTION 3. Sections 361.013(a) and (f), Health and Safety Code, are amended to read as follows:

(a) Except as provided by Subsections (e) through (i), the commission shall charge a fee on all solid waste that is disposed of

within this state. The fee is 94 cents [~~\$1.25~~] per ton received for disposal at a municipal solid waste landfill if the solid waste is measured by weight. If the solid waste is measured by volume, the fee for compacted solid waste is 30 [~~40~~] cents per cubic yard and the fee [~~0¢~~] for uncompact solid waste is 19 [~~25~~] cents per cubic yard received for disposal at a municipal solid waste landfill. The commission shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The commission may charge comparable fees for other means of solid waste disposal that are used.

within this state. The fee is 94 cents [~~\$1.25~~] per ton received for disposal at a municipal solid waste landfill if the solid waste is measured by weight. If the solid waste is measured by volume, the fee for compacted solid waste is 30 [~~40~~] cents per cubic yard and the fee [~~0¢~~] for uncompact solid waste is 19 [~~25~~] cents per cubic yard received for disposal at a municipal solid waste landfill. The commission shall set the fee for sludge or similar waste applied to the land for beneficial use on a dry weight basis and for solid waste received at an incinerator or a shredding and composting facility at half the fee set for solid waste received for disposal at a landfill. The commission may charge comparable fees for other means of solid waste disposal that are used.

(f) The commission may not charge a fee under Subsection (a) for source separated [~~yard waste~~] materials that are processed [~~composted~~] at a composting and mulch processing facility, including a composting and mulch processing facility located at a permitted landfill site. The commission shall credit any fee payment due under Subsection (a) for any material received and processed [~~converted~~] to compost or mulch product at the facility [~~for composting through a composting process~~]. Any compost or mulch product that is produced at a [~~for~~] composting and mulch processing facility that is [~~not~~] used in the operation of the facility or is disposed of [~~as compost and is deposited~~] in a landfill is not exempt from the fee.

SECTION 4. Sections 361.014(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Revenue received by the commission under Section 361.013 shall be deposited in the state treasury to the credit of the commission. Of that [~~Half of the~~] revenue, 66.7 percent is dedicated to the commission's municipal solid waste permitting and enforcement programs and related support activities and to pay for activities that will enhance the state's solid waste management program, including:

(1) provision of funds for the municipal solid waste management planning fund and

SECTION 4. Sections 361.014(a) and (b), Health and Safety Code, are amended to read as follows:

(a) Revenue received by the commission under Section 361.013 shall be deposited in the state treasury to the credit of the commission. Of that [~~Half of the~~] revenue, 66.7 percent is dedicated to the commission's municipal solid waste permitting programs, [~~and~~] enforcement programs, site remediation programs, [~~and related~~] support activities related to those programs, and [~~to pay for~~] activities that will enhance the state's solid waste management program, including:

(1) provision of funds for the municipal solid waste management planning fund and

the municipal solid waste resource recovery applied research and technical assistance fund established by the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Chapter 363);

(2) conduct of demonstration projects and studies to help local governments of various populations and the private sector to convert to accounting systems and set rates that reflect the full costs of providing waste management services and are proportionate to the amount of waste generated;

(3) provision of technical assistance to local governments concerning solid waste management;

(4) establishment of a solid waste resource center in the commission and an office of waste minimization and recycling;

(5) provision of supplemental funding to local governments for the enforcement of this chapter, the Texas Litter Abatement Act (Chapter 365), and Chapters 391 and 683, Transportation Code;

(6) conduct of a statewide public awareness program concerning solid waste management;

(7) provision of supplemental funds for other state agencies with responsibilities concerning solid waste management, recycling, and other initiatives with the purpose of diverting recyclable waste from landfills;

(8) conduct of research to promote the development and stimulation of markets for recycled waste products;

(9) creation of a state municipal solid waste superfund, from funds appropriated, for:

(A) the cleanup of unauthorized tire dumps and solid waste dumps for which a responsible party cannot be located or is not immediately financially able to provide the cleanup;

(B) the cleanup or proper closure of abandoned or contaminated municipal solid waste sites for which a responsible party is not immediately financially able to provide the cleanup; and

(C) remediation, cleanup, and proper closure of unauthorized recycling sites for which a responsible party is not immediately financially able to perform the remediation, cleanup, and closure;

(10) provision of funds to mitigate the economic and environmental impacts of

the municipal solid waste resource recovery applied research and technical assistance fund established by the Comprehensive Municipal Solid Waste Management, Resource Recovery, and Conservation Act (Chapter 363);

(2) conduct of demonstration projects and studies to help local governments of various populations and the private sector to convert to accounting systems and set rates that reflect the full costs of providing waste management services and are proportionate to the amount of waste generated;

(3) provision of technical assistance to local governments concerning solid waste management;

(4) establishment of a solid waste resource center in the commission and an office of waste minimization and recycling;

(5) provision of supplemental funding to local governments for the enforcement of this chapter, the Texas Litter Abatement Act (Chapter 365), and Chapters 391 and 683, Transportation Code;

(6) conduct of a statewide public awareness program concerning solid waste management;

(7) provision of supplemental funds for other state agencies with responsibilities concerning solid waste management, recycling, and other initiatives with the purpose of diverting recyclable waste from landfills;

(8) conduct of research to promote the development and stimulation of markets for recycled waste products;

(9) creation of a state municipal solid waste superfund, from funds appropriated, for:

(A) the cleanup of unauthorized tire dumps and solid waste dumps for which a responsible party cannot be located or is not immediately financially able to provide the cleanup;

(B) the cleanup or proper closure of abandoned or contaminated municipal solid waste sites for which a responsible party is not immediately financially able to provide the cleanup; and

(C) remediation, cleanup, and proper closure of unauthorized recycling sites for which a responsible party is not immediately financially able to perform the remediation, cleanup, and closure;

(10) provision of funds to mitigate the economic and environmental impacts of

lead-acid battery recycling activities on local governments; and

(11) provision of funds for the conduct of research by a public or private entity to assist the state in developing new technologies and methods to reduce the amount of municipal waste disposed of in landfills.

(b) Of [~~Half of~~] the revenue received by the commission under Section 361.013, 33.3 percent is dedicated to local and regional solid waste projects consistent with regional plans approved by the commission in accordance with this chapter and to update and maintain those plans. Those revenues shall be allocated to municipal solid waste geographic planning regions for use by local governments and regional planning commissions according to a formula established by the commission that takes into account population, area, solid waste fee generation, and public health needs. Each planning region shall issue a biennial report to the legislature detailing how the revenue is spent. A project or service funded under this subsection must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services.

No equivalent provision.

SECTION 5. Section 771.0711(c), Health and Safety Code, is amended.

SECTION 6. Section 771.079(c), Health and Safety Code, is amended.

SECTION 7. Section 780.003(a), Health

lead-acid battery recycling activities on local governments; and

(11) provision of funds for the conduct of research by a public or private entity to assist the state in developing new technologies and methods to reduce the amount of municipal waste disposed of in landfills.

(b) Of [~~Half of~~] the revenue received by the commission under Section 361.013, 33.3 percent is dedicated to local and regional solid waste projects consistent with regional plans approved by the commission in accordance with this chapter and to update and maintain those plans. Those revenues shall be allocated to municipal solid waste geographic planning regions for use by local governments and regional planning commissions according to a formula established by the commission that takes into account population, area, solid waste fee generation, and public health needs. Each planning region shall issue a biennial report to the legislature detailing how the revenue is spent. A project or service funded under this subsection must promote cooperation between public and private entities and may not be otherwise readily available or create a competitive advantage over a private industry that provides recycling or solid waste services.

SECTION 5. Section 361.133, Health and Safety Code, is amended by adding Subsection (c-1) to read as follows:

(c-1) Notwithstanding Subsection (c), money in the account attributable to fees imposed under Section 361.138 may be used for environmental remediation at the site of a closed battery recycling facility located in the municipal boundaries of a municipality if the municipality submits to the commission a voluntary compliance plan for the site and is paying or has paid for part of the costs of the environmental remediation of the site. This subsection expires September 30, 2014.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Same as introduced version.

and Safety Code, is amended.

SECTION 8. Section 2007.002, Insurance Code, is amended.

No equivalent provision.

SECTION 9. Same as introduced version.

SECTION 10. Section 81.067(c), Natural Resources Code, is amended to read as follows:

(c) The fund consists of:

- (1) proceeds from bonds and other financial security required by this chapter and benefits under well-specific plugging insurance policies described by Section 91.104(c) that are paid to the state as contingent beneficiary of the policies, subject to the refund provisions of Section 91.1091, if applicable;
- (2) private contributions, including contributions made under Section 89.084;
- (3) expenses collected under Section 89.083;
- (4) fees imposed under Section 85.2021;
- (5) costs recovered under Section 91.457 or 91.459;
- (6) proceeds collected under Sections 89.085 and 91.115;
- (7) interest earned on the funds deposited in the fund;
- (8) oil and gas waste hauler permit application fees collected under Section 29.015, Water Code;
- (9) costs recovered under Section 91.113(f);
- (10) hazardous oil and gas waste generation fees collected under Section 91.605;
- (11) oil-field cleanup regulatory fees on oil collected under Section 81.116;
- (12) oil-field cleanup regulatory fees on gas collected under Section 81.117;
- (13) fees for a reissued certificate collected under Section 91.707;
- (14) fees collected under Section 91.1013;
- (15) fees collected under Section 89.088;
- (16) fees collected under Section 91.142;
- (17) fees collected under Section 91.654;
- (18) costs recovered under Sections 91.656 and 91.657;
- (19) two-thirds of the fees collected under Section 81.0521;
- (20) fees collected under Sections 89.024 and 89.026;
- (21) legislative appropriations; ~~and~~
- (22) any surcharges collected under Section 81.070; and
- (23) fees collected under Section 91.0115.

No equivalent provision.

SECTION 11. Section 81.068, Natural

Resources Code, is amended to read as follows:

Sec. 81.068. PURPOSE OF OIL AND GAS REGULATION AND CLEANUP FUND. Money in the oil and gas regulation and cleanup fund may be used by the commission or its employees or agents for any purpose related to the regulation of oil and gas development, including oil and gas monitoring and inspections, oil and gas remediation, oil and gas well plugging, public information and services related to those activities, the study and evaluation of electronic access to geologic data and surface casing depths necessary to protect usable groundwater in this state, and administrative costs and state benefits for personnel involved in those activities.

No equivalent provision.

SECTION 12. Section 91.0115, Natural Resources Code, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c) The commission shall charge a fee not to exceed \$75, in addition to the fee required by Subsection (b), for processing a request to expedite a letter of determination. ~~[Money collected under this subsection may be used to study and evaluate electronic access to geologic data and surface casing depths under Section 91.020.]~~

(d) The fees collected under this section shall be deposited in the oil and gas regulation and cleanup fund.

No equivalent provision.

SECTION 13. Section 501.138(b-2), Transportation Code, is amended to read as follows:

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1) and shall monitor transfers to and from the Texas emissions reduction plan fund. On or before the fifth workday of each month, the comptroller may require that the department ~~[shall]~~ remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money, not to exceed ~~[equal to]~~ the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month, the comptroller determines is necessary to meet amounts appropriated from the Texas emissions

reduction plan fund or, after consultation with the Texas Commission on Environmental Quality, if a fee is imposed on stationary sources in a county located in a nonattainment area as provided by 42 U.S.C. Section 7511d, an amount of money not to exceed the amount of the total of the additional \$5 collected in fees that is attributable to applicants for titles, other than the state or political subdivisions of the state, who reside in a county located in a nonattainment area or in an affected county, as described by Subsection (a)(1). The department shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149. The Texas Transportation Commission may designate for congestion mitigation projects or for deposit to the Texas rail relocation fund eligible amounts retained in the state highway fund because the amounts were not required to be remitted under this subsection.

No equivalent provision.

SECTION 14. Subchapter G, Chapter 504, Transportation Code, is amended by adding Section 504.6012 to read as follows:

Sec. 504.6012. ELIMINATION OF DEDICATED REVENUE ACCOUNTS; REVENUES IN TRUST. (a)

Notwithstanding any other provision of this subchapter, not later than September 30, 2013, the comptroller shall eliminate all dedicated accounts established for specialty license plates under this subchapter and shall set aside the balances of those dedicated accounts so that the balances may be appropriated only for the purposes intended as provided by the dedications.

(b) On and after September 1, 2013, the portion of a fee payable under this subchapter that is designated for deposit to a dedicated account shall be paid instead to the credit of an account in a trust fund created by the comptroller outside the general revenue fund. The comptroller shall administer the trust fund and accounts and may allocate the corpus and earnings on

each account only in accordance with the dedications of the revenue deposited to the trust fund accounts.

No equivalent provision.

SECTION 15. Section 17.007, Utilities Code, is amended to read as follows:

Sec. 17.007. ELIGIBILITY PROCESS FOR CUSTOMER SERVICE DISCOUNTS. The commission by rule shall provide for an integrated eligibility process for customer service discounts, including discounts under Sections 39.9035 [~~39.903~~] and 55.015.

No equivalent provision.

SECTION 16. Section 39.002, Utilities Code, is amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.155, 39.157(e), 39.203, 39.903, 39.9035, 39.904, 39.9051, 39.9052, and 39.914(e), does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

No equivalent provision.

SECTION 17. Subchapter Z, Chapter 39, Utilities Code, is amended by amending Section 39.903 and adding Section 39.9035 to read as follows:

No equivalent provision.

Sec. 39.903. SYSTEM BENEFIT FUND.

No equivalent provision.

(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.

No equivalent provision.

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

No equivalent provision.

(c) The nonbypassable system benefit fund

fee may not be imposed on the retail electric customers of a municipally owned utility or electric cooperative before the sixth month preceding the date on which the utility or cooperative implements customer choice. Money distributed from the system benefit fund to a municipally owned utility or an electric cooperative shall be proportional to the nonbypassable fee paid by the municipally owned utility or the electric cooperative ~~[, subject to the reimbursement provided by Subsection (i)].~~ On request by a municipally owned utility or electric cooperative, the commission shall reduce the nonbypassable fee imposed on retail electric customers served by the municipally owned utility or electric cooperative by an amount equal to the amount provided by the municipally owned utility or electric cooperative or its ratepayers for ~~local low-income programs and~~ local programs that educate customers about the retail electric market in a neutral and nonpromotional manner. The commission shall adopt rules providing for reimbursements from appropriated system benefit fund money for activities authorized for funding under this section.

No equivalent provision.

(d) The commission shall annually review and approve system benefit fund accounts, projected revenue requirements, and proposed nonbypassable fees. The commission shall report to the electric utility restructuring legislative oversight committee if the system benefit fund fee is insufficient to fund the purposes set forth in Subsection (e) to the extent required by this section.

No equivalent provision.

(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 percent reduced rate prescribed by Subsection (h); and~~

~~[(B) provide one-time bill payment assistance to electric customers who are or who have in their households one or more seriously ill or disabled low income persons and who have been threatened with disconnection for nonpayment;~~

~~[(2)] customer education programs;~~

(2) [;] administrative expenses incurred by

the commission in implementing and administering this chapter;

~~(3) [and] expenses incurred by the office under this chapter;~~

~~(4) [(3)] programs to assist low-income electric customers by providing weatherization or other [the targeted] energy efficiency programs [described by Subsection (f)(2)];~~

~~[(4) programs to assist low-income electric customers by providing the 20 percent reduced rate prescribed by Subsection (h)];~~
and

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

No equivalent provision.

(f) The legislature may appropriate from the system benefit fund not more than \$50 million each state fiscal biennium for the purposes of Subsection (e)(4). Money appropriated from the system benefit fund for the purposes of Subsection (e)(4) must be transferred to the low-income electric customers program fund for disbursement under Section 39.9035.

No equivalent provision.

Sec. 39.9035. LOW-INCOME ELECTRIC CUSTOMERS PROGRAM FUND.

No equivalent provision.

(a) In this section, "critical care residential customer" means a residential customer who has a person permanently residing in the customer's home who is diagnosed by a physician as being dependent on an electric-powered medical device to sustain life.

No equivalent provision.

(b) The commission shall adopt and enforce rules requiring transmission and distribution utilities to establish a low-income electric customers program fund under commission oversight. The rules must provide for:
(1) the fund to be established as a trust fund outside of the state treasury;
(2) the fund to be held by an administrator selected by the transmission and distribution utilities in accordance with standards adopted by the commission; and
(3) any interest earned on money in the fund

to be credited to the fund.

No equivalent provision.

(c) The administrator serves as trustee of the fund for the benefit of low-income electric customer programs described by this section, and in accordance with commission rules, the administrator may make any payments or reimbursements from the fund to further the programs. Commission rules must prescribe the maximum percentage of money available in the fund that may be used for the expenses of administering the fund and for annual independent auditing of the fund and expenditures and other transactions related to the fund. The commission or its agents may at any time examine any records related to the fund or investigate any fund-related expenditures or expenses. The administrator and each transmission and distribution utility shall fully cooperate with any investigation regarding the fund conducted by the commission or its agents.

No equivalent provision.

(d) The commission by rule shall impose a nonbypassable low-income electric customers program fund fee to be set by the commission in an amount not to exceed 50 cents per megawatt hour, allocated to customers based on the amount of kilowatt hours used.

No equivalent provision.

(e) The commission shall provide for a nonbypassable fee in the same amount as the fee imposed under Subsection (d) to be imposed on the retail electric customers of a municipally owned utility or electric cooperative beginning on the first day of the sixth month preceding the date on which the utility or cooperative implements customer choice.

No equivalent provision.

(f) Commission rules adopted under this section must provide that the low-income electric customers program fund fees collected for the programs described by this section are collected through the rates of the transmission and distribution service providers and deposited into the low-income electric customers program fund.

No equivalent provision.

(g) Except as provided by Subsection (h), money in the low-income electric customers program fund may be spent only for the following regulatory purposes and must be

allocated as follows:

(1) not more than 96 percent of the money available in the fund must be used to provide a 15 percent reduced rate for low-income households; and

(2) not more than 4 percent of the money available in the fund must be used for bill payment assistance for critical care residential customers with total household incomes not to exceed 400 percent of the federal poverty guidelines.

No equivalent provision.

(h) Only money appropriated for the purposes of Section 39.903(e)(4) and transferred to the fund may be used to finance low-income electric customer weatherization programs under this section. The programs must be operated by a statewide network of federal weatherization program providers under federal weatherization program guidelines and may include related low-income energy efficiency programs.

No equivalent provision.

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

~~[(1) reduced electric rates as provided by Subsections (h) (1); and~~

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

No equivalent provision.

~~(g)~~ Until customer choice is introduced in a power region, an electric utility may not reduce, in any manner, programs already offered to assist low-income electric customers.

No equivalent provision.

(j) [(h)] The commission shall adopt rules for a retail electric provider to determine a reduced rate for eligible customers to be discounted off the standard retail service package as approved by the commission under Section 39.106 and shall require a retail electric provider to apply the same reduction to any rate plan under which an

eligible low-income electric customer is receiving service [~~or the price to beat established by Section 39.202, whichever is lower~~]. Municipally owned utilities and electric cooperatives shall establish a reduced rate for eligible customers to be discounted off the standard retail service package established under Section 40.053 or 41.053, as appropriate. The reduced rate for a retail electric provider shall result in a total charge for each billing period that is at least 15 [10] percent [~~and, if sufficient money in the system benefit fund is available, up to 20 percent,~~] lower than the amount the customer would otherwise be charged for each billing period. To the extent the low-income electric customers program [~~system benefit~~] fund is insufficient to pay for [~~fund~~] the 15 [~~initial 10~~] percent rate reduction, the commission may increase the fee to an amount of not more than 50 [65] cents per megawatt hour, as provided by Subsection (d) [~~(b)~~]. If the fee is set at 50 [65] cents per megawatt hour or if the commission determines that revenues anticipated to be due for deposit to the fund are [~~appropriations are~~] insufficient to pay for [~~fund~~] the 15 [10] percent rate reduction, the commission shall [~~may~~] reduce the rate of the reduction to less than 15 [10] percent. For a municipally owned utility or electric cooperative, the reduced rate shall be equal to an amount that can be fully funded by that portion of the nonbypassable fee proceeds paid by the municipally owned utility or electric cooperative that is allocated to the utility or cooperative by the commission under Subsection (g) [~~(e)~~] for programs for low-income customers of the utility or cooperative. The reduced rate for municipally owned utilities and electric cooperatives under this section is in addition to any rate reduction that may result from local programs for low-income customers of the municipally owned utilities or electric cooperatives.

No equivalent provision.

(k) [(+)] A retail electric provider, municipally owned utility, or electric cooperative seeking reimbursement from the low-income electric customers program [~~system benefit~~] fund may not charge an eligible low-income customer a rate higher than the appropriate rate determined under Subsection (j) [~~(h)~~]. Commission rules must

provide for [~~A retail electric provider not subject to the price to beat, or~~] a municipally owned utility or electric cooperative subject to the nonbypassable fee under Subsection (e) to [~~(e), shall~~] be reimbursed from the [~~system benefit~~] fund for the difference between the reduced rate and the rate established under [~~Section 39.106 or, as appropriate, the rate established under~~] Section 40.053 or 41.053, as appropriate. A retail electric provider [~~who is subject to the price to beat~~] shall be reimbursed from the [~~system benefit~~] fund for the difference between the reduced rate and the rate plan under which the customer is receiving service [~~the price to beat~~]. The commission shall adopt rules providing for the reimbursement.

No equivalent provision.

(l) [~~(j)~~] The commission shall adopt rules providing for methods of enrolling customers eligible to receive the reduced rates determined under Subsection (j) [~~(h)~~]. The rules must provide for automatic enrollment as one enrollment option. The Health and [~~Texas Department of~~] Human Services Commission, on request of the commission, shall assist in the adoption and implementation of these rules. The commission and the Health and [~~Texas Department of~~] Human Services Commission shall enter into a memorandum of understanding establishing the respective duties of the agencies [~~commission and the department~~] in relation to the automatic enrollment.

No equivalent provision.

(m) [~~(j-1)~~] The commission shall adopt rules governing the bill payment assistance program provided under Subsection (g)(2) [~~(e)(1)(B)~~]. The rules must provide that a customer is eligible to receive the assistance only if the assistance is necessary to prevent the disconnection of service for nonpayment of bills for a critical care residential customer [~~and the electric customer is or has in the customer's household one or more seriously ill or disabled low-income persons whose health or safety may be injured by the disconnection~~]. The commission may prescribe the documentation necessary to demonstrate eligibility for the assistance and may establish additional eligibility criteria. The Health and Human Services Commission, on request of the commission,

shall assist in the adoption and implementation of these rules.

No equivalent provision.

(n) ~~[(k)]~~ A retail electric provider is prohibited from charging the customer a fee for participation in the reduced rate program.

No equivalent provision.

(o) ~~Notwithstanding Subsections (d), (e), (f), and (j), the low-income electric customers program fund fee may not be imposed after August 31, 2023. After that date, the commission and the administrator shall undertake to continue the low-income electric customers programs described by this section until the balance of the fund is exhausted.~~

No equivalent provision.

~~[(1) For the purposes of this section, a "low-income electric customer" is an electric customer:
[(1) whose household income is not more than 125 percent of the federal poverty guidelines; or
[(2) who receives food stamps from the Texas Department of Human Services or medical assistance from a state agency administering a part of the medical assistance program.]~~

No equivalent provision.

SECTION 18. Section 39.905(f), Utilities Code, is amended to read as follows:
(f) Unless funding is provided under Section 39.9035 ~~[39.903]~~, each unbundled transmission and distribution utility shall include in its energy efficiency plan a weatherization and ~~[targeted]~~ low-income energy efficiency program as described by Section 39.9035(h) ~~[39.903(f)(2)]~~, and the savings achieved by the program shall count toward the transmission and distribution utility's energy efficiency goal. The commission shall determine the appropriate level of funding to be allocated to both the required weatherization programs ~~[targeted]~~ and standard offer low-income energy efficiency programs in each unbundled transmission and distribution utility service area. The level of funding for the required weatherization programs and low-income energy efficiency programs shall be provided from money approved by the commission for the transmission and distribution utility's energy efficiency programs. The commission shall ensure that

annual expenditures for the required weatherization programs and [targeted] low-income energy efficiency programs of each unbundled transmission and distribution utility are not less than 10 percent of the transmission and distribution utility's energy efficiency budget for the year. A required weatherization program or a [targeted] low-income energy efficiency program must comply with the same audit requirements that apply to federal weatherization subrecipients. In an energy efficiency cost recovery factor proceeding related to expenditures under this subsection, the commission shall make findings of fact regarding whether the utility meets requirements imposed under this subsection. The state agency that administers the federal weatherization assistance program shall provide reports as required by the commission to provide the most current information available on energy and peak demand savings achieved in each transmission and distribution utility service area. The agency shall participate in energy efficiency cost recovery factor proceedings related to expenditures under this subsection to ensure that the required weatherization programs and [targeted] low-income weatherization programs are consistent with federal weatherization programs and adequately funded.

No equivalent provision.

SECTION 19. Section 40.001(a), Utilities Code, is amended to read as follows:

(a) Notwithstanding any other provision of law, except Sections 39.155, 39.157(e), 39.203, 39.903, 39.9035, and 39.904, this chapter governs the transition to and the establishment of a fully competitive electric power industry for municipally owned utilities. With respect to the regulation of municipally owned utilities, this chapter controls over any other provision of this title, except for sections in which the term "municipally owned utility" is specifically used.

No equivalent provision.

SECTION 20. Section 40.004, Utilities Code, is amended to read as follows:

Sec. 40.004. JURISDICTION OF COMMISSION. Except as specifically otherwise provided in this chapter, the commission has jurisdiction over municipally owned utilities only for the

following purposes:

- (1) to regulate wholesale transmission rates and service, including terms of access, to the extent provided by Subchapter A, Chapter 35;
- (2) to regulate certification of retail service areas to the extent provided by Chapter 37;
- (3) to regulate rates on appeal under Subchapters D and E, Chapter 33, subject to Section 40.051(c);
- (4) to establish a code of conduct as provided by Section 39.157(e) applicable to anticompetitive activities and to affiliate activities limited to structurally unbundled affiliates of municipally owned utilities, subject to Section 40.054;
- (5) to establish terms and conditions for open access to transmission and distribution facilities for municipally owned utilities providing customer choice, as provided by Section 39.203;
- (6) to require collection of the nonbypassable fees [~~fee~~] established under Section 39.903(b) and Section 39.9035(e);
- (7) [~~and~~] to administer the renewable energy credits program under Section 39.904(b) and the natural gas energy credits program under Section 39.9044(b); and
- (8) [~~(7)~~] to require reports of municipally owned utility operations only to the extent necessary to:
 - (A) enable the commission to determine the aggregate load and energy requirements of the state and the resources available to serve that load; or
 - (B) enable the commission to determine information relating to market power as provided by Section 39.155.

No equivalent provision.

SECTION 21. Section 41.001, Utilities Code, is amended to read as follows:

Sec. 41.001. APPLICABLE LAW. Notwithstanding any other provision of law, except Sections 39.155, 39.157(e), 39.203, 39.903, 39.9035, and 39.904, this chapter governs the transition to and the establishment of a fully competitive electric power industry for electric cooperatives. Regarding the regulation of electric cooperatives, this chapter shall control over any other provision of this title, except for sections in which the term "electric cooperative" is specifically used.

SECTION 9. Subchapter I, Chapter 26,

SECTION 22. Subchapter I, Chapter 26,

Water Code, is amended by adding Section 26.35745 to read as follows:

Sec. 26.35745. REPORT ON FEES NECESSARY TO CONCLUDE PROGRAM.

No equivalent provision.

No equivalent provision.

No equivalent provision.

The commission shall investigate the

Water Code, is amended by adding Section 26.35745 to read as follows:

Sec. 26.35745. REPORT ON CORRECTIVE ACTIONS FOR PETROLEUM CONTAMINATED SITES AND FEES NECESSARY TO CONCLUDE PROGRAM.

(a) The commission annually shall prepare a report regarding the status of corrective actions for sites reported to the commission under this subchapter as having had a release needing corrective action. The commission must issue the report to the legislature on or before November 1 of each year.

(b) Regarding sites reported to the commission under this subchapter as having had a release needing corrective action on or before December 22, 1998, and that remain in the commission's PST State-Lead Program on September 1, 2013, the report must include:

(1) the total number of sites;

(2) the total number of sites for which corrective action is ongoing;

(3) the total number of sites monitored;

(4) the projected costs of the corrective actions;

(5) the projected costs of monitoring;

(6) a projected timeline for issuing closure letters under this subchapter for all of the sites; and

(7) for each site, the corrective action activities proposed and completed during the preceding state fiscal year.

(c) Regarding sites reported to the commission under this subchapter as having had a release needing corrective action after December 22, 1998, for which the commission has elected to assume responsibility for undertaking corrective action under this subchapter, the report must include:

(1) the current status of each site;

(2) the costs associated with the corrective action activities performed during the preceding state fiscal year for the sites;

(3) amounts recovered under Section 26.355 related to the sites; and

(4) enforcement actions taken against owners and operators related to those sites.

(d) The commission shall investigate the

amount of fees that would be necessary to cover the costs necessary to conclude the programs and activities under this subchapter before September 1, 2021. The commission shall present a report to the legislature on the conclusions of the investigation and include in the report the commission's recommendations regarding the fees and programs and activities. The report must be presented not later than January 30, 2015. This section expires September 1, 2021.

SECTION 10. Sections 501.138(b-2) and (b-3), Transportation Code, are repealed.

No equivalent provision.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

amount of fees that would be necessary to cover the costs necessary to conclude the programs and activities under this subchapter before September 1, 2021. The commission shall include in the annual report under this section the conclusions of the investigation and the commission's recommendations regarding the fees and programs and activities.

(e) This section expires September 1, 2021.

No equivalent provision.

SECTION 23. The Public Utility Commission of Texas shall adopt or revise, as necessary to implement this Act, rules governing the system benefit fund and the low-income electric customers program fund under Section 39.903, Utilities Code, as amended by this Act, and Section 39.9035, Utilities Code, as added by this Act, not later than January 1, 2014.

SECTION 24. Same as introduced version