86R2652 JXC-F

By:  Reynolds H.B. No. 223

A BILL TO BE ENTITLED

AN ACT

relating to the funding through greenhouse gas emissions fees of energy efficiency programs administered by certain utilities; authorizing a fee.

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

SECTION 1.  Section 382.0621(f), Health and Safety Code, is amended to read as follows:

(f)  The commission may impose operating permit fees for emissions of greenhouse gas only:

(1)  to the extent the fees are necessary to cover the commission's additional reasonably necessary direct costs of implementing Section 382.05102; or

(2)  as authorized under Section 382.0623.

SECTION 2.  Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.0623 to read as follows:

Sec. 382.0623.  GREENHOUSE GAS EMISSIONS FEE. (a) In this section, "carbon dioxide equivalent" means the amount of carbon dioxide by weight that would produce the same global warming impact as a given weight of another greenhouse gas, based on the best available science.

(b)  The commission shall adopt, charge, and collect an annual fee on each facility permitted under Section 382.05185 that is subject to federal greenhouse gas reporting requirements. Except as provided by Subsection (d), the fee is in the amount of $5 per ton of carbon dioxide equivalent emitted from the facility each year.

(c)  Not later than April 15 of each year, a facility described by Subsection (b) shall submit to the commission each annual report required by federal greenhouse gas reporting requirements. The commission shall use a report received under this subsection to compute the total amount of the fee to be imposed on the reporting facility.

(d)  The commission by rule may provide for an automatic annual increase in the amount of the fee imposed under this section in the manner provided for increasing operating permit fees by Section 382.0621(c).

(e)  The commission shall deposit fees collected under this section to the credit of a greenhouse gas emissions fee account established in the general revenue fund. The fees collected may be appropriated only for the purposes of Section 39.9053, Utilities Code.

SECTION 3.  Section 39.905, Utilities Code, is amended by amending Subsection (f) and adding Subsection (f-1) to read as follows:

(f)  Each [~~Unless funding is provided under Section 39.903, each~~] unbundled transmission and distribution utility shall include in its energy efficiency plan a targeted low-income energy efficiency program [~~as described by Section 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 targeted and standard offer low-income energy efficiency programs in each unbundled transmission and distribution utility service area. The level of funding for 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 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 grant received by an unbundled transmission and distribution utility under Section 39.9053 may be considered as part of the utility's energy efficiency budget. 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 participate in energy efficiency cost recovery factor proceedings related to expenditures under this subsection to ensure that targeted low-income weatherization programs are consistent with federal weatherization programs and adequately funded.

(f-1)  For the purposes of Subsection (f), a "low-income energy efficiency program" is a program that offers assistance to an electric customer:

(1)  whose household income is not more than 125 percent of the federal poverty guidelines; or

(2)  who receives benefits under the supplemental nutrition assistance program established under Chapter 33, Human Resources Code.

SECTION 4.  Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9053 to read as follows:

Sec. 39.9053.  ENERGY EFFICIENCY FUNDING. (a) The commission by rule shall establish a grant program through which electric utilities, municipally owned utilities, and electric cooperatives may receive money from the greenhouse gas emissions fee account to assist those utilities with meeting goals established under and implementing programs under Sections 39.905, 39.9051, and 39.9052.

(b)  Except as provided by Subsection (c), the commission shall make grant money available to an electric utility, municipally owned utility, or electric cooperative in proportion to the percentage of electric energy consumed by the retail customers in this state that are served by the electric utility, municipally owned utility, or electric cooperative.

(c)  The commission shall allocate at least 50 percent of the money provided under Subsection (a) each year for programs described by Section 39.905(f).

SECTION 5.  The Texas Commission on Environmental Quality may not provide for an increase in the amount of the fee established by Section 382.0623, Health and Safety Code, as added by this Act, to occur before August 31, 2020.

SECTION 6.  This Act takes effect September 1, 2019.