

## **BILL ANALYSIS**

Senate Research Center

S.B. 1768  
By: Cain  
Economic Development  
4-3-97  
As Filed

### **DIGEST**

Currently, the Railroad Commission (RRC) does not have the duties and responsibilities of the Public Utility Commission (PUC). S.B. 1768 places all responsibilities of the PUC under the RRC, devotes all references to the PUC in other statutes, and replaces them with the RRC, and sets forth certain administrative penalties.

### **PURPOSE**

As proposed, S.B. 1768 places all responsibilities of the Public Utility Commission (PUC) under the Railroad Commission (RRC), devotes all references to the PUC in other statutes and replaces them with the RRC, and sets forth certain administrative penalties.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Sections 1.003(4) and (5), Article 1446c-0, V.T.C.S., to redefine "commission" and "commissioner."

SECTION 2. Amends Sections 1.003(4) and (5), Article 1446c-0, V.T.C.S., to redefine "commission" and "commissioner."

SECTION 3. Amends Sections 1.022, Article 1446c-0, V.T.C.S., to make a conforming change.

SECTION 4. Amends Section 1.3215 (d)-(h), (k)-(m), and (s), Article 1446c-0, V.T.C.S., to authorize the Railroad Commission of Texas (RRC), rather than the executive director, to issue a report on a violation. Makes conforming changes.

SECTION 5. Amends Section 1.405, Article 1446c-0, V.T.C.S., to provide that the RRC, rather than the Public Utility Commission, is authorized to establish criteria and guidelines with the utility industry.

SECTION 6. Amends Section 104.003(a), Article 1446c-0, V.T.C.S., to make a conforming change.

SECTION 7. Amends Section 1(14), Article, Code of Criminal Procedure, to make redefine "trap and trace device."

SECTION 8. Amends Section 232.002, Family Code, to make conforming changes.

SECTION 9. Amends Section 572.003(c), Government Code, to make conforming changes.

SECTION 10. Amends Section 2302.001(2), Government Code, to redefine "commission."

SECTION 11. Amends Section 2302.002, Government Code, to delete the RRC from the list of agencies in the council.

- SECTION 12. Amends Sections 771.001(5) and (11), Health and Safety Code, to redefine "local exchange service provider" and "business service."
- SECTION 13. Amends Section 28.03(d), Penal Code, to redefine "public communication, public transportation, public water, gas, or power supply, or other public service."
- SECTION 14. Amends Section 22.23(b), Tax Code, to make a conforming change.
- SECTION 15. Amends Section 301.004(c), Tax Code, to redefine "telephone company."
- SECTION 16. Amends Chapter 245(4B)(f), Article 717p, V.T.C.S., to make a conforming change.
- SECTION 17. Amends Article 1440a, V.T.C.S., to make a conforming change.
- SECTION 18. Amends Section 1(1), Article 1446c-1, V.T.C.S., to redefine "commission."
- SECTION 19. Amends Section 3, Article 1446d, V.T.C.S., to provide that certain entities are subject to Sections 1.321-1.323 and 1.325-1.328, Article 1446c-, V.T.C.S. Makes conforming changes.
- SECTION 20. Amends Section 2, Article 1446d-2, V.T.C.S., to make conforming changes.
- SECTION 21. Amends Section 2(a), Article 1446f, V.T.C.S., to make a conforming change.
- SECTION 22. Amends Article 1446g, V.T.C.S., to make a conforming change.
- SECTION 23. Amends Section 2(7), Article 1528c, V.T.C.S., to make a conforming change.
- SECTION 24. Amends Section 2.01, Article 4413(47f), V.T.C.S., to make conforming changes.
- SECTION 25. Amends Title 79, Article 18.02(a), V.T.C.S., to make conforming changes.
- SECTION 26. Repealers: Sections 1.021, 1.023-1.033, 1.035-1.037, and 1.323, Article 1446c-0, V.T.C.S., (Public Utility Regulatory Act of 1995) and Section 12.013(h), Water Code (Rate fixing power).
- SECTION 27. Transfers powers and obligations from the Public Utility Commission to the Railroad Commission of Texas effective March 1, 1998 and require RRC to take regulatory jurisdiction over telecommunications effective September 1, 1998. Provides that SECTIONS 1, 10, 11, 16, 18-22, 24, 30, 31, and 32 take effect March 1, 1998. Provides that SECTIONS 2-9, 12-15, 17, 23, 25, 26, and 29 take effect September 1, 1998.
- SECTION 28. Requires the Railroad Commission of Texas to take on certain duties.
- SECTION 29. Requires all remaining duties and powers of the Public Utility Commission to transfer to the Railroad Commission of Texas effective September 1, 1998. Provides that the Public Utility Commission is abolished and that the terms of the commissioners of the Public Utility Commission expire.
- SECTION 30. Provides that all rules, regulations, and policies of the Public Utility Commission continue until superseded. Provides that rules and regulations relating to day-to-day operation by the Public Utility Commission are superseded by rules and regulations of the Railroad Commission of Texas.
- SECTION 31. Provides that abolition of the Public Utility Commission, does not affect certain past acts.

SECTION 32. Provides that a reference to the Public Utility Commission after March 1, 1998, and on or after September 1, 1998, with respect to telecommunications utilities means the Railroad Commission of Texas.

SECTION 33.           Emergency clause.