

By: Smithee

H.B. No. 3093

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the name and governance of the Public Utility
3 Commission of Texas.

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

5 SECTION 1. Chapter 1, Utilities Code, is amended by adding
6 Section 1.004 to read as follows:

7 Sec. 1.004. REFERENCE TO PUBLIC UTILITY COMMISSIONER OR
8 COMMISSION. In this code:

9 (1) a reference to a commissioner, the commissioners,
10 or the presiding officer of the Public Utility Commission of Texas
11 means the commissioner of the Department of Public Utility; and

12 (2) a reference to the Public Utility Commission of
13 Texas means the Department of Public Utility.

14 SECTION 2. Section 12.001, Utilities Code, is amended to
15 read as follows:

16 Sec. 12.001. DEPARTMENT OF PUBLIC UTILITY [~~COMMISSION OF~~
17 ~~TEXAS~~]. The Department of Public Utility [~~Commission of Texas~~]
18 exercises the jurisdiction and powers conferred by this title.

19 SECTION 3. Section 12.003, Utilities Code, is amended to
20 read as follows:

21 Sec. 12.003. SEAL. (a) The department [~~commission~~] has a
22 seal bearing the inscription: "Department of Public Utility
23 [~~Commission of Texas~~]."

24 (b) The seal shall be affixed to each record and to an

1 authentication of a copy of a record. The department [~~commission~~]
2 may require the seal to be affixed to other instruments.

3 (c) A court of this state shall take judicial notice of the
4 seal.

5 SECTION 4. Sections 12.051(a) and (c), Utilities Code, are
6 amended to read as follows:

7 (a) The [~~commission is composed of three commissioners~~
8 ~~appointed by the~~] governor shall appoint a commissioner with the
9 advice and consent of the senate to oversee the department.

10 (c) The commissioner serves a two-year term that expires
11 September 1 of each odd-numbered year [~~Commissioners serve~~
12 ~~staggered, six-year terms~~].

13 SECTION 5. Section 12.057, Utilities Code, is amended to
14 read as follows:

15 Sec. 12.057. COMPENSATION. The annual salary of the
16 commissioner [~~commissioners~~] is determined by the legislature.

17 SECTION 6. The heading to Section 12.059, Utilities Code,
18 is amended to read as follows:

19 Sec. 12.059. TRAINING PROGRAM FOR COMMISSIONER
20 [~~COMMISSIONERS~~].

21 SECTION 7. Section 12.156, Utilities Code, is amended to
22 read as follows:

23 Sec. 12.156. QUALIFICATIONS AND STANDARDS OF CONDUCT
24 INFORMATION. The executive director or the executive director's
25 designee shall provide to the commissioner [~~commissioners~~] and
26 department [~~commission~~] employees as often as necessary
27 information regarding their:

1 (1) qualifications for office or employment under this
2 title; and

3 (2) responsibilities under applicable laws relating
4 to standards of conduct for state officers and employees.

5 SECTION 8. Section 39.917(b), Utilities Code, is amended to
6 read as follows:

7 (b) The Texas Electric Grid Security Council is composed of:

8 (1) the commissioner [~~designated as presiding officer~~
9 ~~of the commission under Section 12.052~~] or a representative
10 designated by the commissioner;

11 (2) the chief executive officer of the independent
12 organization certified under Section 39.151 for the ERCOT power
13 region or a representative designated by the chief executive
14 officer; and

15 (3) the governor or a representative designated by the
16 governor.

17 SECTION 9. Sections 12.052 and 12.056, Utilities Code, are
18 repealed.

19 SECTION 10. (a) On the effective date of this Act:

20 (1) the name of the Public Utility Commission of Texas
21 is changed to the Department of Public Utility, and all powers,
22 rights, duties, and obligations of the Public Utility Commission of
23 Texas are the powers, duties, rights, and obligations of the
24 Department of Public Utility; and

25 (2) any appropriation for the Public Utility
26 Commission of Texas is an appropriation for the Department of
27 Public Utility.

1 (b) On and after the effective date of this Act, a reference
2 in law to the Public Utility Commission of Texas is a reference to
3 the Department of Public Utility.

4 (c) The Department of Public Utility is the authority
5 formerly known as the Public Utility Commission of Texas in all
6 respects. All personnel, equipment, data, documents, facilities,
7 contracts, items, other property, rules, decisions, and
8 proceedings of or involving the Public Utility Commission of Texas
9 are unaffected by the change in the name of the authority.

10 SECTION 11. The governor shall promptly appoint the first
11 commissioner to the Department of Public Utility in accordance with
12 Section [12.051](#), Utilities Code, as amended by this Act. The term of
13 the first commissioner expires September 1, 2023.

14 SECTION 12. This Act takes effect September 1, 2021.