

By: Goldman

H.B. No. 4926

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of an independent organization certified
3 to manage a power region to amend bylaws and certificates of
4 formation.

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

6 SECTION 1. Section 39.151, Utilities Code, is amended by
7 amending Subsections (e-1) and (g-1) and adding Subsection (g-7) to
8 read as follows:

9 (e-1) The review and approval of a proposed budget under
10 Subsection (d-1) or a proceeding to authorize and set the range for
11 the amount of a fee under Subsection (e) is not a contested case for
12 purposes of Chapter 2001, Government Code, or subject to judicial
13 review.

14 (g-1) Notwithstanding any provision of the Business
15 Organizations Code, only the governing body of the independent
16 organization has the authority to amend the bylaws and certificates
17 of formation of the independent organization. The independent
18 organization's bylaws, certificates of formation, and ~~or~~
19 protocols must be approved by the commission and must reflect the
20 input of the commission. The bylaws must require that every member
21 of the governing body be a resident of this state and must prohibit
22 a legislator from serving as a member. The governing body must be
23 composed of:

24 (1) the chairman of the commission as an ex officio

1 nonvoting member;

2 (2) the counsellor as an ex officio voting member
3 representing residential and small commercial consumer interests;

4 (3) the chief executive officer of the independent
5 organization as an ex officio nonvoting member; and

6 (4) eight members selected by the selection committee
7 under Section 39.1513 with executive-level experience in any of the
8 following professions:

9 (A) finance;

10 (B) business;

11 (C) engineering, including electrical
12 engineering;

13 (D) trading;

14 (E) risk management;

15 (F) law; or

16 (G) electric market design.

17 (g-7) The commission's approval of or failure to approve the
18 independent organization's bylaws, certificates of formation, or
19 protocols is not a contested case for purposes of Chapter 2001,
20 Government Code, or subject to judicial review.

21 SECTION 2. This Act takes effect September 1, 2023.