

By: King

S.B. No. 1016

A BILL TO BE ENTITLED

AN ACT

relating to the consideration of employee compensation and benefits
in establishing the rates of electric utilities.

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

SECTION 1. Subchapter B, Chapter 36, Utilities Code, is
amended by adding Section 36.067 to read as follows:

Sec. 36.067. CONSIDERATION OF COMPENSATION AND BENEFIT
EXPENSES. (a) In this section, "employee compensation and
benefits" includes base salaries, wages, incentive compensation,
and benefits. The term does not include:

(1) pension or other postemployment benefits; and

(2) incentive compensation related to attaining
financial metrics for an executive officer whose compensation is
required to be disclosed under 17 C.F.R. Section 229.402(a).

(b) When establishing an electric utility's rates, the
regulatory authority shall presume that employee compensation and
benefits expenses are reasonable and necessary if the expenses are
consistent with market compensation studies issued not earlier than
three years before the initiation of the proceeding to establish
the rates.

SECTION 2. (a) Section 36.067, Utilities Code, as added by
this Act, applies only to a proceeding for the establishment of
rates for which the regulatory authority has not issued a final
order or decision before the effective date of this Act.

1 (b) A proceeding for which the regulatory authority has
2 issued a final order or decision before the effective date of this
3 Act is governed by the law in effect immediately before that date,
4 and that law is continued in effect for that purpose.

5 SECTION 3. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.