

By: King of Parker

H.B. No. 896

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the members and operation of the Public Utility
3 Commission of Texas.

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

5 SECTION 1. Section 12.051(a), Utilities Code, is amended to
6 read as follows:

7 (a) The commission is composed of five [~~three~~]
8 commissioners appointed by the governor with the advice and consent
9 of the senate.

10 SECTION 2. Section 12.101, Utilities Code, is amended to
11 read as follows:

12 Sec. 12.101. COMMISSION EMPLOYEES. The commission shall
13 employ:

- 14 (1) an executive director; [~~and~~]
15 (2) legal clerks described by Section 12.1015; and
16 (3) officers and other employees the commission
17 considers necessary to administer this title.

18 SECTION 3. Subchapter C, Chapter 12, Utilities Code, is
19 amended by adding Section 12.1015 to read as follows:

20 Sec. 12.1015. LEGAL CLERK. (a) On or before the beginning
21 of each state fiscal year, the commission shall employ a legal clerk
22 for each commissioner to assist the commissioner in performing the
23 commissioner's duties during that fiscal year. Each commissioner
24 shall choose that commissioner's legal clerk.

1 (b) The commission may not employ a person as a legal clerk
2 unless the person:

3 (1) is an attorney licensed to practice law in this
4 state; and

5 (2) has not previously been employed as a legal clerk
6 under this section.

7 (c) A legal clerk serves at the pleasure of the commissioner
8 who chose the clerk. The commission, at the request of the
9 commissioner who chose the legal clerk, may replace a clerk at any
10 time during a state fiscal year.

11 (d) A person employed under this section may not serve as a
12 legal clerk on or after the beginning of the next state fiscal year.

13 SECTION 4. Section 14.057(a), Utilities Code, is amended to
14 read as follows:

15 (a) A commission order must be in writing and contain
16 detailed findings of the facts on which it is passed. A commission
17 order relating to a proceeding that is conducted by one or more
18 commissioners must be written by the commissioners. The
19 commissioners' legal clerks may assist the commissioners in writing
20 the order. The commissioners may not delegate authority to write
21 the order to other commission staff.

22 SECTION 5. Promptly after this Act takes effect, the
23 governor shall appoint two additional members to the Public Utility
24 Commission of Texas. Of those members, the governor shall
25 designate one to serve a term expiring September 1, 2011, and one to
26 serve a term expiring September 1, 2013. Until all appointees have
27 taken office, a quorum of the commission is a majority of the number

1 of members who are qualified.

2 SECTION 6. (a) This Act applies only to a contested case
3 filed on or after the effective date of this Act. A contested case
4 filed before the effective date of this Act is governed by the law
5 in effect on the date the contested case was filed, and that law is
6 continued in effect for that purpose.

7 (b) As soon as possible after the effective date of this
8 Act, each commissioner of the Public Utility Commission of Texas
9 shall employ a legal clerk as required by Section 12.1015,
10 Utilities Code, as added by this Act, for the state fiscal year that
11 begins September 1, 2007.

12 SECTION 7. This Act takes effect September 1, 2007.