

Amend Amendment No. 1 by Hancock to **HB 4492** by adding the following appropriately numbered SECTION to the amendment and renumbering the subsequent SECTIONS of the amendment accordingly:

SECTION _____. Subchapter D, Chapter 39, Utilities Code, is amended by adding Sections 39.159 and 39.160 to read as follows:

Sec. 39.159. RESTITUTION REQUIRED. A wholesale market participant that receives funds from the financing mechanism authorized under Subchapter M or N shall repay the funds if the participant or an employee of the participant:

(1) submits a false certification that the participant provided all records required under Subchapter M or N to the attorney general;

(2) engages in false, misleading, or deceptive conduct related to Winter Storm Uri as determined in a proceeding under Section 17.46, Business & Commerce Code; or

(3) is convicted for criminal conduct arising out of activities related to Winter Storm Uri.

Sec. 39.160. INFORMATION DISCLOSURE REQUIRED FOR PARTICIPATION IN FINANCING. (a) Before a wholesale market participant may receive money from a financing mechanism authorized under Subchapter M or N, the participant must:

(1) submit to the attorney general:

(A) all documents, e-mails, or text messages relating to financial security transactions used to hedge or offset the cost of fuel or energy in February 2021; and

(B) all documents, e-mails, or text messages relating to qualified cost information for February 2021; and

(2) submit to the corporation an affidavit certifying that the participant has complied with Subdivision (1).

(b) Information provided to the attorney general under Subsection (a) is confidential and not subject to public disclosure under Chapter 552, Government Code.

(c) A market participant may not receive money under Subchapter M or N if the participant asserts a privilege as a reason for not fully complying with Subsection (a).