87R11782 CXP-D

By:  Smithee H.B. No. 3093

A BILL TO BE ENTITLED

AN ACT

relating to the name and governance of the Public Utility Commission of Texas.

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

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

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

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

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

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

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

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

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

(b)  The seal shall be affixed to each record and to an authentication of a copy of a record. The department [~~commission~~] may require the seal to be affixed to other instruments.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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