

By: Zaffirini

S.B. No. 857

A BILL TO BE ENTITLED

AN ACT

relating to the election of commissioners on the Public Utility Commission of Texas.

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

SECTION 1. The heading to Subchapter B, Chapter 12, Utilities Code, is amended to read as follows:

SUBCHAPTER B. COMMISSION ~~[APPOINTMENT AND]~~ FUNCTIONS

SECTION 2. Section 12.051, Utilities Code, is amended to read as follows:

Sec. 12.051. ELECTION ~~[APPOINTMENT]~~; TERM.

(a) The commission is composed of three commissioners elected by the qualified voters at a general election for State and county officers ~~appointed by the governor with the advice and consent of the senate.~~

~~[(b) An appointment to the commission shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointee.]~~

(b) [(c)] Commissioners serve [staggered] six-year terms. One commissioner shall be elected every two years.

SECTION 3. Section 12.052, Utilities Code is amended to read as follows:

Sec. 12.052 PRESIDING OFFICER. ~~[(a)]~~ The commissioners ~~[governor]~~ shall elect ~~[designate]~~ a commissioner as the presiding officer.

1 ~~[(b) The presiding officer services in that capacity at the~~
2 ~~pleasure of the governor.]~~

3 SECTION 3. Section 12.053, Utilities Code, is amended to
4 read as follows:

5 Sec. 12.053. [~~MEMBERSHIP~~] QUALIFICATIONS FOR OFFICE.

6 (a) ~~[To be eligible for appointment, a]~~ A commissioner must:

7 (1) be a qualified voter; and

8 (2) be at least 25 years of age. ~~[a citizen of the~~
9 ~~United States;]~~

10 ~~[(3) be a competent and experienced administrator;~~

11 ~~(4) be well informed and qualified in the field of~~
12 ~~public utilities and utility regulation; and~~

13 ~~(5) have at least five years of experience in the~~
14 ~~administration of business or government or as a practicing~~
15 ~~attorney or certified public accountant.~~

16 (b) ~~A person is not eligible for appointment as a~~
17 ~~commissioner if the person:~~

18 (1) ~~at any time during the two years preceding~~
19 ~~appointment:~~

20 (A) ~~personally served as an officer, director,~~
21 ~~owner, employee, partner, or legal representative of a public~~
22 ~~utility regulated by the commission or of an affiliate or direct~~
23 ~~competitor of a public utility regulated by the commission; or~~

24 (B) ~~owned or controlled, directly or indirectly,~~
25 ~~more than a 10 percent interest in a public utility regulated by the~~
26 ~~commission or in an affiliate or direct competitor of a public~~
27 ~~utility regulated by the commission; or~~

1 ~~(2) is not qualified to serve under Section 12.151,~~
2 ~~12.152, or 12.153.]~~

3 SECTION 4. Section 12.056, Utilities Code, is amended to
4 read as follows:

5 Sec. 12.056. [~~EFFECT OF~~] VACANCY.

6 (a) A vacancy ~~or disqualification~~ does not prevent the
7 remaining commissioner or commissioners from exercising the powers
8 of the commission.

9 (b) The governor shall fill any vacancy by appointment until
10 the next general election.

11 SECTION 4. Section 52.092(c), Election Code, is amended to
12 read as follows:

13 (c) Statewide offices of the state government shall be
14 listed in the following order:

- 15 (1) governor;
- 16 (2) lieutenant governor;
- 17 (3) attorney general;
- 18 (4) comptroller of public accounts;
- 19 (5) commissioner of the General Land Office;
- 20 (6) commissioner of agriculture;
- 21 (7) railroad commissioner;
- 22 (8) public utility commissioner;
- 23 (9) [~~(8)~~] chief justice, supreme court;
- 24 (10) [~~(9)~~] justice, supreme court;
- 25 (11) [~~(10)~~] presiding judge, court of criminal
26 appeals;
- 27 (12) [~~(11)~~] judge, court of criminal appeals.

1 SECTION 5. Section 554.401(d), Transportation Code, is
2 amended to read as follows:

3 (d) In this section, "state official" means:

- 4 (1) a member of the legislature;
- 5 (2) the governor;
- 6 (3) the lieutenant governor;
- 7 (4) a justice of the supreme court;
- 8 (5) a judge of the court of criminal appeals;
- 9 (6) the attorney general;
- 10 (7) the commissioner of the General Land Office;
- 11 (8) the comptroller;
- 12 (9) a member of the Railroad Commission of Texas;
- 13 (10) the commissioner of agriculture;
- 14 (11) the secretary of state; ~~[or]~~
- 15 (12) a member of the Public Utility Commission of
16 Texas; or
- 17 (13) a member of the State Board of Education.

18 SECTION 6. The following sections of the Utilities Code are
19 repealed:

- 20 (1) Sec. 12.054;
- 21 (2) Sec. 12.055; and
- 22 (3) Sec. 12.059.

23 SECTION 7. (a) The first general election for public
24 utility commissioner shall be held November 8, 2022, for a six-year
25 term beginning on January 1, 2023.

26 (b) The second general election for public utility
27 commissioner shall be held November 5, 2024, for a six-year term

1 beginning on January 1, 2025.

2 (c) The third general election for public utility
3 commissioner shall be held November 3, 2026, for a six-year term
4 beginning on January 1, 2027.

5 (d) Not later than January 1, 2023, the governor shall
6 designate which public utility commissioner positions will be
7 determined in the elections described in (a), (b), and (c).

8 (e) Until all three public utility commissioners elected
9 under this Act take office, the commissioners serving on the
10 effective date of this Act shall, unless otherwise removed as
11 provided by law, continue in office under the prior law that
12 governed the office, and that prior law is continued in effect for
13 that purpose. If unelected commissioners vacate their positions or
14 are otherwise removed or disqualified under prior law, the governor
15 shall fill the vacancy in a manner provided by law with the advice
16 and consent of the senate.

17 SECTION 8. Except as otherwise specified, this Act takes
18 effect September 1, 2021.