

AN ACT

relating to the membership of the Public Utility Commission of Texas.

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

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

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

SECTION 2. Section 12.053, Utilities Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a) To be eligible for appointment, a commissioner must:

(1) be a qualified voter;

(2) be a citizen of the United States;

(3) be a resident of this state;

(4) be a competent and experienced administrator;

~~[(4) be well informed and qualified in the field of public utilities and utility regulation,] and~~

(5) have at least five years of experience:

(A) in the administration of business or government; or

(B) as a practicing attorney, ~~[or]~~ certified public accountant, or professional engineer.

1 (a-1) At least two commissioners must be well informed and
2 qualified in the field of public utilities and utility regulation.

3 (b) A person is not eligible for appointment as a
4 commissioner if the person:

5 (1) at any time during the one year [~~two years~~]
6 preceding appointment:

7 (A) personally served as an officer, director,
8 owner, employee, partner, or legal representative of a public
9 utility regulated by the commission or of an affiliate or direct
10 competitor of a public utility regulated by the commission; [~~or~~]

11 (B) owned or controlled, directly or indirectly,
12 more than a 10 percent interest in a public utility regulated by the
13 commission or in an affiliate or direct competitor of a public
14 utility regulated by the commission; or

15 (C) served as an executive officer listed under
16 Section 1, Article IV, Texas Constitution, other than the secretary
17 of state, or a member of the legislature; or

18 (2) is not qualified to serve under Section 12.151,
19 12.152, or 12.153.

20 SECTION 3. Subchapter B, Chapter 12, Utilities Code, is
21 amended by adding Section 12.060 to read as follows:

22 Sec. 12.060. FORMER COMMISSIONER: LOBBYING RESTRICTED. A
23 former member of the commission may not, before the first
24 anniversary of the date the member ceases to be a member of the
25 commission, engage in an activity before the commission that
26 requires registration under Chapter 305, Government Code.

27 SECTION 4. (a) Not later than the 30th day after the

1 effective date of this Act, the governor shall appoint a person to
2 the Public Utility Commission of Texas to serve as the presiding
3 officer of the commission in accordance with Section 12.053,
4 Utilities Code, as amended by this Act.

5 (b) In making appointments of commissioners to the Public
6 Utility Commission of Texas under Section 12.051, Utilities Code,
7 as amended by this Act, the governor shall assign staggered terms to
8 the commissioners appointed to fill vacancies and to the
9 commissioners appointed to new positions to ensure that the
10 requirements of Section 30a, Article XVI, Texas Constitution, are
11 met.

12 SECTION 5. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2021.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 2154 passed the Senate on March 25, 2021, by the following vote: Yeas 30, Nays 0; May 25, 2021, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 27, 2021, House granted request of the Senate; May 30, 2021, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

I hereby certify that S.B. No. 2154 passed the House, with amendments, on May 23, 2021, by the following vote: Yeas 145, Nays 0, one present not voting; May 27, 2021, House granted request of the Senate for appointment of Conference Committee; May 30, 2021, House adopted Conference Committee Report by the following vote: Yeas 109, Nays 26, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor