

By: Schwertner

S.B. No. 2154

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the membership of the Public Utility Commission of
3 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 12.053, Utilities Code, is amended by
11 amending Subsections (a) and (b) and adding Subsection (a-1) to
12 read as follows:

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

14 (1) be a qualified voter;

15 (2) be a citizen of the United States;

16 (3) be a resident of this state;

17 (4) be a competent and experienced administrator;

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

20 (5) have at least five years of experience:

21 (A) in the administration of business or
22 government or

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

1 (a-1) At least three commissioners, including the presiding
2 officer, must be well informed and qualified in the field of public
3 utilities and utility regulation.

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

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

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

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

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

19 (2) is not qualified to serve under Section 12.151,
20 12.152, or 12.153.

21 SECTION 3. (a) Not later than the 30th day after the
22 effective date of this Act, the governor shall appoint a person to
23 the Public Utility Commission of Texas to serve as the presiding
24 officer of the commission in accordance with Section 12.053,
25 Utilities Code, as amended by this Act.

26 (b) In making appointments of commissioners to the Public
27 Utility Commission of Texas under Section 12.051, Utilities Code,

1 as amended by this Act, the governor shall assign staggered terms to
2 the commissioners appointed to fill vacancies and to the
3 commissioners appointed to new positions to ensure that the
4 requirements of Section 30a, Article XVI, Texas Constitution, are
5 met.

6 SECTION 4. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2021.