

By: Hancock

S.B. No. 1594

A BILL TO BE ENTITLED

AN ACT

relating to the authority of an independent organization certified to manage a power region to amend bylaws and certificates of formation.

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

SECTION 1. Section 39.151, Utilities Code, is amended by amending Subsections (e-1) and (g-1) and adding Subsection (g-7) to read as follows:

(e-1) The review and approval of a proposed budget under Subsection (d-1) or a proceeding to authorize and set the range for the amount of a fee under Subsection (e) is not a contested case for purposes of Chapter 2001, Government Code, or subject to judicial review.

(g-1) Notwithstanding any provision of the Business Organizations Code, only the governing body of the independent organization has the authority to amend the bylaws and certificates of formation of the independent organization. The independent organization's bylaws, certificates of formation, and ~~ex~~ protocols must be approved by the commission and must reflect the input of the commission. The bylaws must require that every member of the governing body be a resident of this state and must prohibit a legislator from serving as a member. The governing body must be composed of:

(1) the chairman of the commission as an ex officio

1 nonvoting member;

2 (2) the counsellor as an ex officio voting member  
3 representing residential and small commercial consumer interests;

4 (3) the chief executive officer of the independent  
5 organization as an ex officio nonvoting member; and

6 (4) eight members selected by the selection committee  
7 under Section 39.1513 with executive-level experience in any of the  
8 following professions:

9 (A) finance;

10 (B) business;

11 (C) engineering, including electrical  
12 engineering;

13 (D) trading;

14 (E) risk management;

15 (F) law; or

16 (G) electric market design.

17 (g-7) The commission's approval of or failure to approve the  
18 independent organization's bylaws, certificates of formation, or  
19 protocols is not a contested case for purposes of Chapter 2001,  
20 Government Code, or subject to judicial review.

21 SECTION 2. This Act takes effect September 1, 2023.