

BILL ANALYSIS

Senate Research Center

S.B. 2154
By: Schwertner
Jurisprudence
6/1/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2154 addresses the makeup of the Public Utility Commission (PUC) board. The last few weeks of public testimony and the resignation of all three PUC commissioners has made it clear that reform is needed regarding the makeup of the PUC board and appointment of these officials.

S.B. 2154 revamps the makeup of the PUC board by increasing the number of appointments from three to five, adding additional criteria and parameters for qualification, and requiring appointment of the chair within 30 days of the bill's effective date.

(Original Author's / Sponsor's Statement of Intent)

S.B. 2154 amends current law relating to the membership of the Public Utility Commission of Texas.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 12.051(a), Utilities Code, as follows:

(a) Provides that the Public Utility Commission of Texas (PUC) is composed of five, rather than three, commissioners appointed by the governor with the advice and consent of the Texas Senate.

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

(a) Requires a commissioner, to be eligible for appointment to the PUC, to meet certain criteria, including being a resident of this state, and having at least five years of experience in certain professions, including, as an alternative, experience as a practicing professional engineer. Makes conforming and nonsubstantive changes.

(a-1) Requires at least two commissioners to be well informed and qualified in the field of public utilities and utility regulation.

(b) Provides that a person is not eligible for appointment as a commissioner if the person:

(1) at any time during the one year preceding appointment, rather than the two years preceding appointment:

(A) makes a nonsubstantive change to this paragraph;

(B) makes no changes to this paragraph; or

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

(2) makes no changes to this subdivision.

SECTION 3. Amends Subchapter B, Chapter 12, Utilities Code, by adding Section 12.060, as follows:

Sec. 12.060. FORMER COMMISSIONER: LOBBYING RESTRICTED. Prohibits a former member of the PUC, before the first anniversary of the date the member ceases to be a member of the PUC, from engaging in an activity before the PUC that requires registration under Chapter 305 (Registration of Lobbyists), Government Code.

SECTION 4. (a) Requires the governor, not later than the 30th day after the effective date of this Act, to appoint a person to the PUC to serve as the presiding officer of the PUC in accordance with Section 12.053 (Membership Qualifications), Utilities Code, as amended by this Act.

(b) Requires the governor, in making appointments of commissioners to the PUC under Section 12.051 (Appointment; Term), Utilities Code, as amended by this Act, to assign staggered terms to the commissioners appointed to fill vacancies and to the commissioners appointed to new positions to ensure that the requirements of Section 30a (Members of State Boards; Terms of Office), Article XVI (General Provisions), Texas Constitution, are met.

SECTION 5. Effective date: upon passage or September 1, 2021.