

PUBLIC UTILITY REGULATORY ACT

CONDITIONS OF EMPLOYMENT

Sec. 12.055. PROHIBITION ON SEEKING ANOTHER OFFICE

A person may not seek nomination or election to another civil office of this state or of the United States while serving as a commissioner. If a commissioner files for nomination or election to another civil office of this state or of the United States, the person's office as commissioner immediately becomes vacant, and the governor shall appoint a successor.

Sec. 12.153. RELATIONSHIP WITH TRADE ASSOCIATION

A person may not serve as a commissioner or be a commission employee who is employed in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), if the person is:

- (1) an officer, employee, or paid consultant of a trade association; or
- (2) the spouse of an officer, manager, or paid consultant of a trade association.

Sec. 12.154. PROHIBITED ACTIVITIES

- (a) During the period of service with the commission, a commissioner or commission employee may not:
- (1) have a pecuniary interest, including an interest as an officer, director, partner, owner, employee, attorney, or consultant, in:
 - (A) a public utility or affiliate; or
 - (B) a person a significant portion of whose business consists of furnishing goods or services to public utilities or affiliates;
 - (2) directly or indirectly own or control securities in a public utility, affiliate, or direct competitor of a public utility; or
 - (3) accept a gift, gratuity, or entertainment from:
 - (A) a public utility, affiliate, or direct competitor of a public utility;
 - (B) a person a significant portion of whose business consists of furnishing goods or services to public utilities, affiliates, or direct competitors of public utilities; or
 - (C) an agent, representative, attorney, employee, officer, owner, director, or partner of a person described by Paragraph (A) or (B).
- (b) A commissioner or a commission employee may not directly or indirectly solicit, request from, or suggest or recommend to a public utility or an agent, representative, attorney, employee, officer, owner, director, or partner of a public utility the appointment to a position or the employment of a person by the public utility or affiliate.
- (c) A person may not give or offer to give a gift, gratuity, employment, or entertainment to a commissioner or commission employee if that person is:
- (1) a public utility, affiliate, or direct competitor of a public utility;
 - (2) a person who furnishes goods or services to a public utility, affiliate, or direct competitor of a public utility; or
 - (3) an agent, representative, attorney, employee, officer, owner, director, or partner of a person described by Subdivision (1) or (2).
- (d) A public utility, affiliate, or direct competitor of a public utility or a person furnishing goods or services to a public utility, affiliate, or direct competitor of a public utility may not aid, abet, or participate with a commissioner, commission employee, or former commission employee in conduct that violates Subsection (a)(3) or (c).

- (e) Subsection (a)(1) does not apply to an interest in a nonprofit group or association, other than a trade association, that is solely supported by gratuitous contributions of money, property, or services.
- (f) It is not a violation of this section if a commissioner or commission employee, on becoming the owner of stocks, bonds, or another pecuniary interest in a public utility, affiliate, or direct competitor of a public utility otherwise than voluntarily, informs the commission and the attorney general of the ownership and divests the ownership or interest within a reasonable time.
- (g) It is not a violation of this section if a pecuniary interest is held indirectly by ownership of an interest in a retirement system, institution, or fund that in the normal course of business invests in diverse securities independently of the control of the commissioner or commission employee.
- (h) This section does not apply to a contract for a public utility product or service or equipment for use of a public utility product when a commissioner or commission employee is acting as a consumer.
- (i) In this section, a "pecuniary interest" includes income, compensation, and payment of any kind, in addition to an ownership interest.

Sec. 12.155. PROHIBITION ON EMPLOYMENT OR REPRESENTATION

- (a) A commissioner, a commission employee, or an employee of the State Office of Administrative Hearings involved in hearing utility cases may not:
 - (1) be employed by a public utility that was in the scope of the commissioner's or employee's official responsibility while the commissioner or employee was associated with the commission or the State Office of Administrative Hearings; or
 - (2) represent a person before the commission or State Office of Administrative Hearings or a court in a matter:
 - (A) in which the commissioner or employee was personally involved while associated with the commission or State Office of Administrative Hearings; or
 - (B) that was within the commissioner's or employee's official responsibility while the commissioner or employee was associated with the commission or State Office of Administrative Hearings.
- (b) The prohibition of Subsection (a)(1) applies until the:
 - (1) second anniversary of the date the commissioner ceases to serve as a commissioner; and
 - (2) first anniversary of the date the employee's employment with the commission or State Office of Administrative Hearings ceases.
- (c) The prohibition of Subsection (a)(2) applies while a commissioner, commission employee, or employee of the State Office of Administrative Hearings involved in hearing utility cases is associated with the commission or State Office of Administrative Hearings and at any time after.

Sec. 12.156. QUALIFICATIONS AND STANDARDS OF CONDUCT INFORMATION

The executive director or the executive director's designee shall provide to commissioners and commission employees as often as necessary information regarding their:

- (1) qualifications for office or employment under this title; and
- (2) responsibilities under applicable laws relating to standards of conduct for state officers and employees.