

By: Slawson, et al.

H.B. No. 4821

Substitute the following for H.B. No. 4821:

By: Metcalf

C.S.H.B. No. 4821

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of the Public Utility Commission of Texas  
3 to impose administrative penalties and enter into voluntary  
4 mitigation plans; increasing an administrative penalty.

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

6 SECTION 1. Sections 15.023(b-1) and (f), Utilities Code,  
7 are amended to read as follows:

8 (b-1) Notwithstanding Subsection (b), the penalty for a  
9 violation of a voluntary mitigation plan entered into under  
10 Subsection (f) or of a provision of Section 35.0021 or 38.075 may be  
11 in an amount not to exceed \$1,000,000 for a violation. Each day a  
12 violation continues or occurs is a separate violation for purposes  
13 of imposing a penalty.

14 (f) The commission and a person may develop and enter into a  
15 voluntary mitigation plan relating to a violation of Section 39.157  
16 or rules adopted by the commission under that section. The  
17 commission may approve the plan only if the commission determines  
18 that the plan is in the public interest. The voluntary mitigation  
19 plan must be reviewed at least once every two years and not later  
20 than the 90th day after the implementation date of a wholesale  
21 market design change. As part of the review, the commission must  
22 determine whether the voluntary mitigation plan remains in the  
23 public interest. If the commission determines that the voluntary  
24 mitigation plan is no longer in the public interest, the commission

1 and the person must agree to a modification of the plan or the  
2 commission must terminate the plan. Adherence [~~If the commission~~  
3 ~~and a person enter into a voluntary mitigation plan, adherence~~] to  
4 the plan may be considered in determining whether a violation  
5 occurred and, if so, the penalty to be assessed [~~constitutes an~~  
6 ~~absolute defense against an alleged violation with respect to~~  
7 ~~activities covered by the plan~~].

8         SECTION 2. The changes in law made by this Act apply only to  
9 a violation committed on or after the effective date of this Act. A  
10 violation committed before the effective date of this Act is  
11 governed by the law in effect when the violation was committed, and  
12 the former law is continued in effect for that purpose.

13         SECTION 3. This Act takes effect September 1, 2023.