

By: Pickett

H.B. No. 3442

Substitute the following for H.B. No. 3442:

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C.S.H.B. No. 3442

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to granting statutory authority to certain governmental  
3 entities to reduce certain expenditures and to impose charges in  
4 amounts sufficient to recover costs.

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

6 SECTION 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF  
7 CHARGES GENERALLY. (a) This section applies to any state agency  
8 that receives an appropriation under Article VI of the General  
9 Appropriations Act.

10 (b) Notwithstanding any other statute of this state, each  
11 state agency to which this section applies is authorized to reduce  
12 or recover expenditures by:

13 (1) consolidating any reports or publications the  
14 agency is required to make and filing or delivering any of those  
15 reports or publications exclusively by electronic means;

16 (2) extending the effective period of any license,  
17 permit, or registration the agency grants or administers;

18 (3) entering into a contract with another governmental  
19 entity or with a private vendor to carry out any of the agency's  
20 duties;

21 (4) adopting additional eligibility requirements for  
22 persons who receive benefits under any law the agency administers  
23 to ensure that those benefits are received by the most deserving  
24 persons consistent with the purposes for which the benefits are

1 provided;

2 (5) providing that any communication between the  
3 agency and another person and any document required to be delivered  
4 to or by the agency, including any application, notice, billing  
5 statement, receipt, or certificate, may be made or delivered by  
6 electronic mail or through the Internet; and

7 (6) adopting and collecting fees or charges to cover  
8 any costs the agency incurs in performing its lawful functions.

9 SECTION 2. TEXAS ANIMAL HEALTH COMMISSION; DUTIES REGARDING  
10 RIDING STABLES. (a) The Texas Animal Health Commission shall  
11 reduce its expenditures of state money related to regulating equine  
12 riding stables.

13 (b) Chapter 2053, Occupations Code, is repealed.

14 SECTION 3. ADMINISTRATIVE HEARINGS OF RAILROAD COMMISSION  
15 OF TEXAS. Section 102.006, Utilities Code, is amended to read as  
16 follows:

17 Sec. 102.006. [~~POWERS AND DUTIES OF STATE OFFICE OF~~]  
18 ADMINISTRATIVE HEARINGS IN CONTESTED CASES. (a) The railroad  
19 commission by rule shall provide for administrative hearings in  
20 contested cases to be conducted by one or more members of the  
21 railroad commission, by railroad commission hearings examiners, or  
22 by the [The] utility division of the State Office of Administrative  
23 Hearings. The rules must provide for a railroad commission  
24 hearings examiner or the utility division of the State Office of  
25 Administrative Hearings to [shall] conduct each hearing in a  
26 contested case that is not conducted by one or more members of the  
27 railroad commission. A hearing must be conducted in accordance

1 with the rules and procedures adopted by the railroad commission.

2 (b) The railroad commission may delegate to a railroad  
3 commission hearings examiner or to the utility division of the  
4 State Office of Administrative Hearings the authority to make a  
5 final decision and to issue findings of fact, conclusions of law,  
6 and other necessary orders in a proceeding in which there is not a  
7 contested issue of fact or law.

8 (c) The railroad commission by rule shall define the  
9 procedures by which it delegates final decision-making authority  
10 under Subsection (b) to a railroad commission hearings examiner or  
11 to the utility division of the State Office of Administrative  
12 Hearings.

13 (d) For purposes of judicial review, the [~~an administrative~~  
14 ~~law judge's~~] final decision of a railroad commission hearings  
15 examiner or an administrative law judge of the State Office of  
16 Administrative Hearings in a matter delegated under Subsection (b)  
17 has the same effect as a final decision of the railroad commission  
18 unless a member of the commission requests formal review of the  
19 decision.

20 (e) The State Office of Administrative Hearings shall  
21 charge the railroad commission a fixed annual rate for hearings  
22 conducted by the office under this section only if the legislature  
23 appropriates money for that purpose. If the legislature does not  
24 appropriate money for the payment of a fixed annual rate under this  
25 section, the State Office of Administrative Hearings shall charge  
26 the railroad commission an hourly rate for hearings conducted by  
27 the office under this section.

1           SECTION 4. EFFECTIVE DATE.       This Act takes effect  
2 immediately if it receives a vote of two-thirds of all the members  
3 elected to each house, as provided by Section 39, Article III, Texas  
4 Constitution. If this Act does not receive the vote necessary for  
5 immediate effect, this Act takes effect September 1, 2003.