

By: Harper-Brown

H.B. No. 935

A BILL TO BE ENTITLED

AN ACT

1
2 relating to market power abuse in the wholesale electricity market;
3 providing administrative and civil penalties.

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

5 SECTION 1. Section 15.023(b), Utilities Code, is amended to
6 read as follows:

7 (b) The penalty for a violation, except for a violation
8 under Section 39.157, may be in an amount not to exceed \$25,000.
9 Each day a violation continues or occurs is a separate violation for
10 purposes of imposing a penalty. The penalty for a violation under
11 Section 39.157 is not more than \$200,000, and the classification
12 system established under Subsection (c) does not apply to the
13 violation.

14 SECTION 2. Subchapter B, Chapter 15, Utilities Code, is
15 amended by adding Section 15.0291 to read as follows:

16 Sec. 15.0291. CIVIL PENALTY FOR VIOLATING SECTION 39.157.

17 (a) A person who violates Section 39.157 or a rule adopted or order
18 issued by the commission under that section is subject to a civil
19 penalty of not less than \$100,000 and not more than \$250,000 for
20 each violation.

21 (b) A civil penalty under this section is recoverable in a
22 suit filed in the name of the commission by the attorney general on
23 the attorney general's own initiative or at the request of the
24 commission.

1 SECTION 3. (a) The change in law made by this Act applies
2 only to a violation committed on or after September 1, 2007. For
3 purposes of this section, a violation is committed before September
4 1, 2007, if any element of the violation occurs before that date.

5 (b) A violation committed before September 1, 2007, is
6 covered by the law in effect when the violation was committed, and
7 the former law is continued in effect for that purpose.

8 SECTION 4. This Act takes effect September 1, 2007.