

By: King of Parker

H.B. No. 1945

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the administrative penalty procedures of the Public
3 Utility Commission of Texas.

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

5 SECTION 1. Section 15.024(c), Utilities Code, as amended by
6 Chapters 1212 and 1579, Acts of the 76th Legislature, Regular
7 Session, 1999, is reenacted and amended to read as follows:

8 (c) A penalty may not be assessed under this section if the
9 person against whom the penalty may be assessed remedies the
10 violation before the 31st day after the date the person receives the
11 notice under Subsection (b). A person who claims to have remedied
12 an alleged violation has the burden of proving to the commission
13 that the alleged violation was remedied and was accidental or
14 inadvertent. This subsection does not apply to a violation of
15 Chapter 17, 39, 55, or 64.

16 SECTION 2. Section 15.024(f), Utilities Code, is amended to
17 read as follows:

18 (f) If the person requests a hearing or fails to timely
19 respond to the notice, the executive director shall set a hearing
20 and give notice of the hearing to the person. The hearing shall be
21 held in accordance with Subchapter B, Chapter 14. For a hearing
22 conducted by an administrative law judge of the State Office of
23 Administrative Hearings, the [~~The~~] administrative law judge
24 shall make findings of fact and conclusions of law and promptly

1 issue to the commission a proposal for a decision about the
2 occurrence of the violation and the amount of a proposed penalty.
3 Based on the findings of fact, conclusions of law, and proposal for
4 a decision, the commission by order may find that a violation has
5 occurred and impose a penalty or may find that no violation
6 occurred.

7 SECTION 3. This Act takes effect September 1, 2007.