

Amend CSHB 2154 (house committee printing) as follows:

(1) On page 1, line 6, strike "adding Subsection (d-1)" and substitute "adding Subsections (d-1) and (e-1) and amending Subsection (e)".

(2) On page 1, between lines 17 and 18, insert the following:

(e) Except as provided by Subsection (e-1), a [A] state agency may change a finding of fact or conclusion of law made by the administrative law judge, or may vacate or modify an order issued by the administrative judge, only if the agency determines:

(1) that the administrative law judge did not properly apply or interpret applicable law, agency rules, written policies provided under Subsection (c), or prior administrative decisions;

(2) that a prior administrative decision on which the administrative law judge relied is incorrect or should be changed; or

(3) that a technical error in a finding of fact should be changed.

The agency shall state in writing the specific reason and legal basis for a change made under this subsection.

(e-1) Notwithstanding any other law, in a contested case before the agency that concerns licensing in relation to an occupational license, a state agency may not change a finding of fact or conclusion of law or vacate or modify an order of the administrative law judge. The state agency may obtain judicial review of any finding of fact or conclusion of law issued by the administrative law judge as provided by Subsection (f)(5). Except as provided by Subsection (f), for each case, the state agency has the sole authority and discretion to determine the appropriate action or sanction, and the administrative law judge may not make any recommendation regarding the appropriate action or sanction.