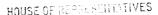
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FLOOR AMENDMENT NO._____

- 1 Amend C.S.H.B. No. 2154 (house committee printing) 2 follows:
- 3 (1) On page 1, line 6, strike "adding Subsection (d-1)" and
- substitute "adding Subsections (d-1) and (e-1) and amending
- 5 Subsection (e)".
- 6 (2) On page 1, between lines 17 and 18, insert the
- 7 following:
- 8 (e) Except as provided by Subsection (e-1), a [♣] state
- agency may change a finding of fact or conclusion of law made by the 9
- 10 administrative law judge, or may vacate or modify an order issued by
- the administrative judge, only if the agency determines: 11
- 12 (1) that the administrative law judge did not properly
- 13 apply or interpret applicable law, agency rules, written policies
- 14 provided under Subsection (c), or prior administrative decisions;
- 15 (2) that a prior administrative decision on which the
- 16 administrative law judge relied is incorrect or should be changed;
- 17 oΥ
- 18 (3) that a technical error in a finding of fact should
- 19 be changed.
- 20 The agency shall state in writing the specific reason and
- 21 legal basis for a change made under this subsection.
- (e-1) Notwithstanding any other law, in a contested case 22
- 23 before the agency that concerns licensing in relation to an
- occupational license, a state agency may not change a finding of 24
- fact or conclusion of law or vacate or modify an order of the 25
- 26 administrative law judge. The state agency may obtain judicial
- review of any finding of fact or conclusion of law issued by the 27
- 28 administrative law judge as provided by Subsection (f)(5). Except
- as provided by Subsection (f), for each case, the state agency has

- 1 the sole authority and discretion to determine the appropriate
- 2 action or sanction, and the administrative law judge may not make
- 3 any recommendation regarding the appropriate action or sanction.