



FLOOR AMENDMENT NO. _____

BY: _____

1 Amend C.S.H.B. No. 2154 (house committee printing) as
2 follows:

3 (1) On page 1, line 6, strike "adding Subsection (d-1)" and
4 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 [A] state
9 agency may change a finding of fact or conclusion of law made by the
10 administrative law judge, or may vacate or modify an order issued by
11 the administrative judge, only if the agency determines:

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 or

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.

22 (e-1) Notwithstanding any other law, in a contested case
23 before the agency that concerns licensing in relation to an
24 occupational license, a state agency may not change a finding of
25 fact or conclusion of law or vacate or modify an order of the
26 administrative law judge. The state agency may obtain judicial
27 review of any finding of fact or conclusion of law issued by the
28 administrative law judge as provided by Subsection (f)(5). Except
29 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.