



17 MAY -1 AM 9:25  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Rep. Darby

1 Amend C.S.H.B. No. 2950 (house committee report) as follows:  
2 (1) Add the following appropriately numbered SECTION to the  
3 bill and renumber subsequent SECTIONS of the bill accordingly:  
4 SECTION \_\_\_\_\_. Section 301.459, Occupations Code, is amended  
5 by amending Subsection (a) and adding Subsection (a-1) to read as  
6 follows:  
7 (a) The board by rule shall adopt procedures under Chapter  
8 2001, Government Code, governing formal disposition of a contested  
9 case. An administrative law judge employed by the [The] State  
10 Office of Administrative Hearings shall conduct a formal hearing.  
11 After receiving the administrative law judge's findings of fact and  
12 conclusions of law for a contested case, the board shall dispose of  
13 the case by issuing a final order based on the administrative law  
14 judge's findings of fact and conclusions of law.  
15 (a-1) Notwithstanding Section 2001.058(e), Government  
16 Code, the board in a contested case may not change a finding of fact  
17 or conclusion of law or vacate or modify an order of the  
18 administrative law judge. The board may obtain judicial review of  
19 any finding of fact or conclusion of law issued by the  
20 administrative law judge as provided by Section 2001.058(f)(5),  
21 Government Code. For each case, the administrative law judge may  
22 make a recommendation regarding an appropriate action or sanction.  
23 The board has the sole authority and discretion to determine the  
24 appropriate action or sanction.  
25 (2) On page 44, between lines 17 and 18, insert the  
26 following appropriately lettered subsection:  
27 ( ) Section 301.459, Occupations Code, as amended by this  
28 Act, applies only to a contested case for which an administrative  
29 law judge employed by the State Office of Administrative Hearings

1 issues written findings of fact and conclusions of law on or after  
2 the effective date of this Act. A contested case for which an  
3 administrative law judge employed by the State Office of  
4 Administrative Hearings issues written findings of fact and  
5 conclusions of law before the effective date of this Act is governed  
6 by the law in effect on the date the findings of fact and  
7 conclusions of law were issued, and the former law is continued in  
8 effect for that purpose.