

By: Patterson

H.B. No. 2226

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for imposing certain administrative
3 penalties or disgorgement orders by the Public Utility Commission
4 of Texas.

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

6 SECTION 1. Sections 15.024(e) and (f), Utilities Code, are
7 amended to read as follows:

8 (e) If the person accepts the executive director's
9 determination and recommended penalty or fails to timely respond to
10 the notice, the commission by order shall approve the determination
11 and impose the recommended penalty or order a hearing on the
12 determination and the recommended penalty.

13 (f) If the person requests a hearing or the commission
14 orders a hearing under Subsection (e) [~~fails to timely respond to~~
15 ~~the notice~~], the executive director shall set a hearing and give
16 notice of the hearing to the person. The parties to a proceeding
17 under this subchapter shall be limited to the person and the
18 commission, including the independent market monitor. The hearing
19 shall be held by an administrative law judge of the State Office of
20 Administrative Hearings. The administrative law judge shall make
21 findings of fact and conclusions of law and promptly issue to the
22 commission a proposal for a decision about the occurrence of the
23 violation and the amount of a proposed penalty. Based on the
24 findings of fact, conclusions of law, and proposal for a decision,

1 the commission by order may find that a violation has occurred and
2 impose a penalty or disgorgement order or may find that no violation
3 occurred.

4 SECTION 2. The changes in law made by this Act apply only to
5 a person who receives notice under Section 15.024(b), Utilities
6 Code, on or after the effective date of this Act. A person who
7 receives notice before the effective date of this Act is governed by
8 the law in effect on the date the person received notice, and the
9 former law is continued in effect for that purpose.

10 SECTION 3. This Act takes effect September 1, 2019.