By:  Schwertner, King, Kolkhorst S.B. No. 2011

(In the Senate - Filed March 9, 2023; March 13, 2023, read first time and referred to Committee on Business & Commerce; March 30, 2023, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 0; March 30, 2023, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Schwertner           X

King                 X

Birdwell                       X

Campbell             X

Creighton                      X

Johnson              X

Kolkhorst            X

Menéndez             X

Middleton            X

Nichols              X

Zaffirini            X

COMMITTEE SUBSTITUTE FOR S.B. No. 2011 By:  Schwertner

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Public Utility Commission of Texas to impose administrative penalties and enter into voluntary mitigation plans; increasing an administrative penalty.

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

SECTION 1.  Sections 15.023(b-1) and (f), Utilities Code, are amended to read as follows:

(b-1)  Notwithstanding Subsection (b), the penalty for a violation of a voluntary mitigation plan entered into under Subsection (f) or of a provision of Section 35.0021 or 38.075 may be in an amount not to exceed $1,000,000 for a violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

(f)  The commission and a person may develop and enter into a voluntary mitigation plan relating to a violation of Section 39.157 or rules adopted by the commission under that section. The commission may approve the plan only if the commission determines that the plan is in the public interest. The voluntary mitigation plan must be reviewed at least once every two years and not later than the 90th day after the implementation date of a wholesale market design change. As part of the review, the commission must determine whether the voluntary mitigation plan remains in the public interest. If the commission determines that the voluntary mitigation plan is no longer in the public interest, the commission and the person must agree to a modification of the plan or the commission must terminate the plan. Adherence [~~If the commission and a person enter into a voluntary mitigation plan, adherence~~] to the plan may be considered in determining whether a violation occurred and, if so, the penalty to be assessed [~~constitutes an absolute defense against an alleged violation with respect to activities covered by the plan~~].

SECTION 2.  The changes in law made by this Act apply only to a violation committed on or after the effective date of this Act. A violation committed before the effective date of this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

SECTION 3.  This Act takes effect September 1, 2023.

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