

By: Schwertner, King

S.B. No. 2011

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Public Utility Commission of Texas
3 to impose administrative penalties and enter into voluntary
4 mitigation plans; increasing an administrative penalty.

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

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

8 (b) The penalty for a violation may be in an amount not to
9 exceed \$1,000,000 [~~\$25,000~~]. Each day a violation continues or
10 occurs is a separate violation for purposes of imposing a penalty.

11 (f) The commission and a person may develop and enter into a
12 voluntary mitigation plan relating to a violation of Section 39.157
13 or rules adopted by the commission under that section. The
14 voluntary mitigation plan must be updated at least once every two
15 years. Not later than the 90th day after the date of a substantial
16 wholesale market design change, the commission shall review each
17 existing voluntary mitigation plan to determine whether any changes
18 to the plan are necessary. A party with a justiciable interest in
19 the result of a proceeding to adopt or renew a voluntary mitigation
20 plan is entitled to participate in the proceeding. Adherence [~~If~~
21 ~~the commission and a person enter into a voluntary mitigation plan,~~
22 ~~adherence] to the plan may be considered in determining whether a
23 violation occurred and, if so, the penalty to be assessed
24 ~~[constitutes an absolute defense against an alleged violation with~~~~

1 ~~respect to activities covered by the plan]~~.

2 SECTION 2. Section 15.023(b-1), Utilities Code, is
3 repealed.

4 SECTION 3. The changes in law made by this Act apply only to
5 a violation committed on or after the effective date of this Act. A
6 violation committed before the effective date of this Act is
7 governed by the law in effect when the violation was committed, and
8 the former law is continued in effect for that purpose.

9 SECTION 4. This Act takes effect September 1, 2023.