

1-1 By: Schwertner, King, Kolkhorst S.B. No. 2011
 1-2 (In the Senate - Filed March 9, 2023; March 13, 2023, read
 1-3 first time and referred to Committee on Business & Commerce;
 1-4 March 30, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 9, Nays 0; March 30, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Schwertner	X			
1-9 King	X			
1-10 Birdwell			X	
1-11 Campbell	X			
1-12 Creighton			X	
1-13 Johnson	X			
1-14 Kolkhorst	X			
1-15 Menéndez	X			
1-16 Middleton	X			
1-17 Nichols	X			
1-18 Zaffirini	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 2011 By: Schwertner

1-21 A BILL TO BE ENTITLED
 1-22 AN ACT

1-23 relating to the authority of the Public Utility Commission of Texas
 1-24 to impose administrative penalties and enter into voluntary
 1-25 mitigation plans; increasing an administrative penalty.

1-26 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-27 SECTION 1. Sections 15.023(b-1) and (f), Utilities Code,
 1-28 are amended to read as follows:

1-29 (b-1) Notwithstanding Subsection (b), the penalty for a
 1-30 violation of a voluntary mitigation plan entered into under
 1-31 Subsection (f) or of a provision of Section 35.0021 or 38.075 may be
 1-32 in an amount not to exceed \$1,000,000 for a violation. Each day a
 1-33 violation continues or occurs is a separate violation for purposes
 1-34 of imposing a penalty.

1-35 (f) The commission and a person may develop and enter into a
 1-36 voluntary mitigation plan relating to a violation of Section 39.157
 1-37 or rules adopted by the commission under that section. The
 1-38 commission may approve the plan only if the commission determines
 1-39 that the plan is in the public interest. The voluntary mitigation
 1-40 plan must be reviewed at least once every two years and not later
 1-41 than the 90th day after the implementation date of a wholesale
 1-42 market design change. As part of the review, the commission must
 1-43 determine whether the voluntary mitigation plan remains in the
 1-44 public interest. If the commission determines that the voluntary
 1-45 mitigation plan is no longer in the public interest, the commission
 1-46 and the person must agree to a modification of the plan or the
 1-47 commission must terminate the plan. Adherence [If the commission
 1-48 and a person enter into a voluntary mitigation plan, adherence] to
 1-49 the plan may be considered in determining whether a violation
 1-50 occurred and, if so, the penalty to be assessed [constitutes an
 1-51 absolute defense against an alleged violation with respect to
 1-52 activities covered by the plan].

1-53 SECTION 2. The changes in law made by this Act apply only to
 1-54 a violation committed on or after the effective date of this Act. A
 1-55 violation committed before the effective date of this Act is
 1-56 governed by the law in effect when the violation was committed, and
 1-57 the former law is continued in effect for that purpose.

1-58 SECTION 3. This Act takes effect September 1, 2023.

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