

BILL ANALYSIS

H.B. 2865
By: Parker
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that requiring that a hearing be set regarding a person's violation of the Public Utility Regulatory Act even if the person was not responsive to the notice of violation is fruitless and unnecessary. H.B. 2865 seeks to provide instead for such cases to be referred directly to the State Office of Administrative Hearings.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2865 amends the Utilities Code to authorize the executive director of the Public Utility Commission of Texas (PUC) to give the written notice of the report issued by the executive director that states the facts on which the determination that an applicable violation of the Public Utility Regulatory Act is based and the executive director's recommendation on the imposition of an administrative penalty to the person against whom the penalty may be assessed through regular mail as an alternative to giving the notice by certified mail. If the PUC sends the notice by mail addressed to the person's mailing address as maintained in the PUC records, a person to whom notice is sent by regular mail is deemed to have received the notice on the fifth day after the date that the PUC sent the notice. A person to whom the notice is given by certified mail is deemed to have received notice on the date the written notice is received or delivery is refused.

H.B. 2865 requires the PUC to order a hearing on a determination and recommended administrative penalty contained in the report if a person fails to timely respond to the notice. The bill replaces the requirement for the executive director to set and give notice of a hearing for a person who requests a hearing or fails to timely respond to the notice with the requirement for the PUC to refer to the State Office of Administrative Hearings all matters regarding persons who request a hearing or for whom the PUC orders a hearing and to give notice of the referral to those persons. The bill requires notice of the hearing to be provided in accordance with the Administrative Procedure Act.

EFFECTIVE DATE

September 1, 2019.