

BILL ANALYSIS

C.S.H.B. 3243
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Licensing & Administrative Procedures
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties contend that the structural pest control advisory committee would benefit from additional guidance in fulfilling its responsibility to advise the Department of Agriculture and the commissioner of agriculture on various topics regarding structural pest control. C.S.H.B. 3243 seeks to address this issue by updating and clarifying the role of the committee.

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

C.S.H.B. 3243 amends the Occupations Code to require the Department of Agriculture (TDA), before the TDA proposes a rule for adoption on technical issues related to structural pest control or relating to enforcement with regard to structural pest control, to submit the proposed rule to the structural pest control advisory committee to provide advice on the rule. The bill requires the committee to vote on whether to recommend that the rule be proposed for adoption and, not later than the 60th day after the date the proposed rule was submitted to the committee for review, to provide the committee's recommendation. The bill requires the TDA, on request of the presiding officer of the committee, to allow the committee to review a completed disciplinary investigation file for the purpose of advising the TDA on rules related to enforcement.

C.S.H.B. 3243 requires the committee, at the first committee meeting of each year, to elect from the committee's members a presiding officer and an assistant presiding officer to serve a term of one year. The bill requires the rules adopted by the TDA for the operation of the committee to provide that the committee's presiding officer is responsible for setting an agenda for each committee meeting and may add an item to an agenda on request by the TDA or the commissioner of agriculture.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3243 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial

differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 1951.104, Occupations Code, is amended to read as follows:

Sec. 1951.104. DUTIES OF COMMITTEE. The committee shall:

(1) gather and provide information relating to the practice of structural pest control and

the committee chair shall determine agenda items and may add items at the request of the department or the commissioner; and shall

(2) advise the department and the commissioner on:

(A) the education and curricula requirements for applicants;

(B) the content of examinations under this chapter;

(C) proposed rules

by an advisory vote before such rules are posted for public comment and prior to enactment

and standards on technical issues related to structural pest control and rules related to enforcement

including review of completed cases at the request of the committee chair;

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Section 1951.104, Occupations Code, is amended to read as follows:

Sec. 1951.104. DUTIES OF COMMITTEE. (a) The committee shall:

(1) gather and provide information relating to the practice of structural pest control at the request of the department or the commissioner; and

(See Section 1951.105(c), SECTION 2 below.)

(2) advise the department and the commissioner on:

(A) the education and curricula requirements for applicants;

(B) the content of examinations under this chapter;

(C) proposed rules and standards on technical issues related to structural pest control and rules related to enforcement;

(D) standards and criteria for the issuance of licenses under this chapter;

(E) fees for license applications and examinations under this chapter; and

(F) other issues affecting the practice of structural pest control.

(b) Before the department proposes a rule for adoption, the department must submit the proposed rule to the committee to provide advice as described by Subsection (a)(2)(C).

The committee shall:

(1) vote on whether to recommend that the rule be proposed for adoption; and

(2) provide the recommendation under Subdivision (1) to the department not later than the 60th day after the date the proposed rule was submitted to the committee for review.

(c) For the purpose of advising the department on rules related to enforcement under Subsection (a), on request of the presiding officer of the committee, the

department shall allow the committee to review a completed disciplinary investigation file.

- (D) standards and criteria for the issuance of licenses under this chapter;
- (E) fees for license applications and examinations under this chapter; and
- (F) other issues affecting the practice of structural pest control.

No equivalent provision,

(See Section 1951.104(1), SECTION 1 above.)

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

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2017.

SECTION 2. Section 1951.105, Occupations Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) The committee shall:

(1) at the first meeting of each year, elect from the committee's members a presiding officer and an assistant presiding officer to serve a term of one year;

(2) meet quarterly;

(3) [~~2~~] operate under Robert's Rules of Order; and

(4) [~~3~~] record the minutes of each meeting.

(c) The rules adopted under Subsection (a) must provide that the presiding officer of the committee:

(1) is responsible for setting an agenda for each committee meeting; and

(2) may add an item to an agenda on request by the department or commissioner.

No equivalent provision.

SECTION 3. This Act takes effect September 1, 2017.