CHAPTER 717

H.B. No. 3566

AN ACT

relating to the regulation of advertising by structural pest control businesses.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1951.206, Occupations Code, is amended to read as follows:

Sec. 1951.206. RULES RESTRICTING ADVERTISING OR COMPETITIVE BIDDING. (a) Except as provided by Subsection (b), the department may not adopt a rule restricting advertising or competitive bidding by a person subject to regulation [regulated] by the department under this chapter.

(b) The department may adopt rules restricting advertising or competitive bidding to prohibit false, misleading, or deceptive practices by a person subject to regulation [regulated] by the department under this chapter. A rule adopted under this subsection may not:

(1) restrict the use of any medium for advertising;
(2) restrict a person's personal appearance or use of a person's voice in an advertisement;
(3) relate to the size or duration of an advertisement by a person; or
(4) restrict a person's advertisement under a trade name.

(c) Subsection (b)(4) does not prohibit the department from adopting a rule regulating the use of the name of a business or license holder in an advertisement for a structural pest control business.

SECTION 2. 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, 2013.

Passed by the House on May 7, 2013: Yeas 114, Nays 15, 1 present, not voting; passed by the Senate on May 22, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 718

H.B. No. 3567

AN ACT

relating to the composition of the structural pest control advisory committee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 1951.101(a) and (b), Occupations Code, are amended to read as follows:

(a) The committee consists of 11 [nine] members appointed by the commissioner as follows:

(1) one member [two members] who is an employee of a school district and associated with a school integrated pest management program [are experts in structural pest control];

(2) three members who represent the public;

(3) one member from an institution of higher education who is knowledgeable in the science of pests and pest control;

(4) three members [one member] who represent the interests of structural pest control operators and who are [is] appointed based on recommendations provided by a trade association of operators;
(5) one member who represents the interests of consumers; [and]

(6) the commissioner of state health services or the commissioner's designee; and

(7) one member who is a structural pest control operator with experience in natural, organic, or holistic pest control.

(b) Members of the committee serve staggered four-year terms. The terms of five or six members, as appropriate, expire on February 1 of each odd-numbered year.

SECTION 2. (a) On September 1, 2013, the terms of the members of the structural pest control advisory committee appointed under former Section 1951.101(a)(1), Occupations Code, expire.

(b) Not later than October 1, 2013, the commissioner of agriculture shall appoint the new members of the structural pest control advisory committee necessary to ensure that the composition of the committee complies with Section 1951.101, Occupations Code, as amended by this Act, and designate the terms of those members to expire on February 1, 2015, or February 1, 2017, as appropriate, to ensure that the expiration of the terms complies with Section 1951.101(b), Occupations Code, as amended by this Act.

SECTION 3. This Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 145, Nays 2, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 3567 on May 22, 2013: Yeas 144, Nays 3, 2 present, not voting; passed by the Senate, with amendments, on May 20, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 719

H.B. No. 3764

AN ACT
relating to audit requirements of certain emergency services districts.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 775, Health and Safety Code, is amended by adding Section 775.0821 to read as follows:

Sec. 775.0821. ALTERNATIVE TO AUDIT OF DISTRICT IN LESS POPULOUS COUNTIES. (a) This section applies only to a district to which Section 775.082 applies that:

(1) did not have any outstanding bonds or any outstanding liabilities having a term of more than one year during the previous fiscal year;

(2) did not receive more than a total of $250,000 in gross receipts from operations, loans, taxes, or contributions during the previous fiscal year; and

(3) did not have a total of more than $250,000 in cash and temporary investments during the previous fiscal year.

(b) Instead of filing an audit report under Section 775.082, a district to which this section applies may file compiled financial statements with the commissioners court of each county in which any part of the district is located.

(c) The district must file with the compiled financial statements an affidavit signed by an authorized district representative attesting to the accuracy and authenticity of the statements.

(d) The provisions of Section 775.082 relating to deadlines for filing an audit and the procedures and penalties relating to the failure of a district to file an audit apply to the filing of compiled financial statements under this section.

SECTION 2. This Act takes effect September 1, 2013.

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