

BILL ANALYSIS

Senate Research Center

S.B. 1955
By: Madla
Natural Resources
5-15-97
As Filed

DIGEST

Currently, the occupational certification and licensing programs under Chapters 32 and 33 of the Water Code are administered by the Texas Natural Resources Conservation Commission. This bill transfers the duties, powers, and rulemaking authority currently held by the Texas Natural Resource Conservation Commission in these chapters to the Texas Department of Licensing and Regulation. This bill also sets forth duties for the Texas water well drillers advisory council and provisions regarding the water well drillers fund account.

PURPOSE

As proposed, S.B. 1955 transfers certain occupational certification and licensing programs administered by the Texas Natural Resource Conservation Commission to the Texas Department of Licensing and Regulation.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the Texas Department of Licensing and Regulation in SECTIONS 6, 13, and 14 (Sections 32.009(a), 33.002(h), 33.003, 33.004, 33.007(a), (c), and (d), Water Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 32.001(1), (2), and (7), Water Code, to delete the definition of "commission," define "department," and redefine "executive director."

SECTION 2. Amends Sections 32.002(a)-(f), (h), and (1), Water Code, to prohibit a person from acting as or offering to perform services as a driller unless the person holds a license issued by the Texas Department of Licensing and Regulation (department), rather than the Texas Natural Resource Conservation Commission (commission), under this chapter and under rules adopted under this chapter. Makes conforming and nonsubstantive changes.

SECTION 3. Amends Sections 32.003-32.005, Water Code, to make conforming changes.

SECTION 4. Amends Section 32.006, Water Code, to require the Texas water well drillers advisory council (council) to perform certain functions regarding the department. Authorizes the advisory council to perform certain functions regarding continuing education programs. Makes conforming changes.

SECTION 5. Amends Sections 32.007(a)-(f), Water Code, to make conforming changes.

SECTION 6. Amends Sections 32.008 and 32.009, Water Code, to provide that participation in continuing education programs is voluntary unless the council determines that the department should require participation. Require the department, with advice and comment from the commission, to adopt certain rules. Makes conforming changes.

SECTION 7. Amends Sections 32.010(a), (c), and (d), Water Code, to make conforming changes.

SECTION 8. Amends Sections 32.011(a), (b), (d)-(g), (i) and (j), Water Code, to make conforming

changes.

SECTION 9. Amends Sections 32.012-32.016, Water Code, as follows:

Sec. 32.012. New heading: APPEAL OF DEPARTMENT ACTION. Makes conforming changes.

Sec. 32.013. COMPLAINTS. Makes conforming and nonsubstantive changes.

Sec. 32.014. DISPOSITION OF REVENUES. Requires all money collected by the department to be deposited to the credit of the water well drillers fund account (account) in the general revenue fund. Requires the department to allocate not more than 20 percent of the money in the account to cover administrative costs of the department. Makes conforming changes.

Sec. 32.015. CIVIL PENALTY. Makes conforming changes.

Sec. 32.016. MARKING RIGS WITH IDENTIFICATION NUMBER. Makes a conforming change.

SECTION 10. Amends Sections 32.017(a)-(c) and (e), Water Code, to make conforming changes.

SECTION 11. Amends Section 32.019, Water Code, to make conforming changes.

SECTION 12. Amends Sections 33.001(2) and (3), Water Code, to make conforming changes.

SECTION 13. Amends Sections 33.002(a)-(e) , (g), and (h), Water Code, to make conforming and nonsubstantive changes.

SECTION 14. Amends Sections 33.003-33.008, Water Code as follows:

Sec. 33.003. STAGGERED RENEWAL OF LICENSES. Makes a conforming change.

Sec. 33.004. PERSONS LICENSED IN OTHER STATES. Makes a conforming change.

Sec. 33.005. EXAMINATIONS. Makes conforming changes.

Sec. 33.006. CONTINUING EDUCATION. Makes conforming changes.

Sec. 33.007. RULES. Makes conforming changes.

Sec. 33.008. REVOCATION OF LICENSES. Makes conforming changes.

SECTION 15. Amends Sections 33.009(a), (b), (d)-(g), (i) and (j), Water Code, to make conforming changes.

SECTION 16. Amends Sections 33.010-33.013, Water Code, as follows:

Sec. 33.010. New heading: APPEAL OF DEPARTMENT ACTION. Makes conforming changes.

Sec. 33.011. COMPLAINTS. Authorizes the council to hear consumer complaints and make recommendations to the department as to their disposition. Makes conforming and nonsubstantive changes.

Sec. 33.012. DISPOSITION OF REVENUES. Makes conforming changes.

Sec. 33.013. CIVIL PENALTY. Makes conforming changes.

SECTION 17. Amends Sections 33.014(a) and (b), Water Code, to make conforming changes.

SECTION 18. Amends Section 33.015, Water Code, to make conforming changes.

SECTION 19. (a) Effective date: September 1, 1997.

(b) Transfers all powers and duties of the commission under Chapters 32 and 33, Water Code, to the department.

(c) Sets forth provisions regarding the water well drillers fund account.

(d) Provides that an appropriation to the commission for the state fiscal biennium beginning September 1, 1997, for the performance or a power of duty under Chapter 32 or 33, Water Code, transferred under this Act to the department, is transferred to the department on this date.

SECTION 20. Emergency clause.