

## **BILL ANALYSIS**

C.S.H.B. 2909  
By: Burkett  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that certain occupational licenses are unnecessary due to the lack of applicants in recent years. C.S.H.B. 2909 seeks to remove statutory provisions relating to the regulation and associated requirements of such licenses and calls for a report on all occupational licenses required by the state.

### **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. 2909 amends the Government Code to require the comptroller of public accounts, not later than December 31 of each even-numbered year, to prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by the state. The bill requires the comptroller to post the report on the comptroller's website and to provide the initial report to the legislature not later than December 31, 2018. The bill requires the report to include a list of all statutory provisions requiring a license that were abolished during the previous legislative session and, for each type of license, a description of the license, the department with regulatory authority for the license, the number of active licenses, the cost of an initial application for and a renewal of the license, and the amount of state revenue generated from the issuance and renewal of the license.

C.S.H.B. 2909 repeals Health and Safety Code provisions relating to the certificate of authority required for over-the-counter sales of ephedrine, pseudoephedrine, or norpseudoephedrine by a business establishment that does not operate a licensed pharmacy and amends the Health and Safety Code to make conforming changes.

C.S.H.B. 2909 repeals Insurance Code provisions relating to the regulation of attorney's title insurance companies and title attorneys and a provision authorizing the commissioner of insurance to issue a temporary or emergency license to an applicant for a managing general agent license. The bill amends the Insurance Code to make conforming changes.

C.S.H.B. 2909 amends the Occupations Code to remove the requirement that a person hold a bingo unit manager license to provide services as a unit manager to licensed authorized organizations that form a unit under the Bingo Enabling Act. The bill repeals Occupations Code provisions relating to an agricultural, industrial, and wildlife control fireworks permit.

C.S.H.B. 2909 expressly does not affect the right of any individual licensed before the bill's effective date to engage in the applicable occupation for the remainder of the term for which the license was issued.

C.S.H.B. 2909 repeals the following provisions:

- Section 486.012, Health and Safety Code
- Chapter 2552, Insurance Code
- Section 4053.052, Insurance Code
- Sections 2001.437(d), (e), (f), and (g), Occupations Code
- Section 2154.203, Occupations Code

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2909 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	HOUSE COMMITTEE SUBSTITUTE
No equivalent provision.	ARTICLE 1. REPORT ON OCCUPATIONAL LICENSING BY COMPTROLLER
No equivalent provision.	SECTION 1.01. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.03058 to read as follows: <u>Sec. 403.03058. REPORT ON OCCUPATIONAL LICENSING. (a) Not later than December 31 of each even-numbered year, the comptroller shall prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by this state. The report must include:</u> <u>(1) for each type of license:</u> <u>(A) a description of the license;</u> <u>(B) the department with regulatory authority for the license;</u> <u>(C) the number of active licenses;</u> <u>(D) the cost of an initial application for the license and for a renewal of the license; and</u> <u>(E) the amount of state revenue generated from the issuance and renewal of the license; and</u> <u>(2) a list of all statutory provisions requiring a license that were abolished during the</u>

previous legislative session.

(b) The comptroller shall post on its Internet website the report prepared under Subsection (a).

No equivalent provision.

ARTICLE 2. CERTIFICATE OF AUTHORITY; OVER-THE-COUNTER SALE OF EPHEDRINE, PSEUDOEPHEDRINE, AND NORPSEUDOEPHEDRINE BY ESTABLISHMENTS OTHER THAN PHARMACIES

No equivalent provision.

SECTION 2.01. Sections 486.004(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department shall collect fees for[~~:(1) the issuance of a certificate of authority under this chapter; and~~ (2)] an inspection performed in enforcing this chapter and rules adopted under this chapter.

(b) The executive commissioner by rule shall set the fees in amounts that allow the department to recover the biennial expenditures of state funds by the department in[~~:(1) reviewing applications for the issuance of a certificate of authority under this chapter;~~

~~(2) issuing certificates of authority under this chapter;~~

~~(3) inspecting and auditing a business establishment that is issued a certificate of authority under this chapter; and~~

~~(4) otherwise]~~ implementing and enforcing this chapter.

No equivalent provision.

SECTION 2.02. Section 486.0142(b), Health and Safety Code, is amended to read as follows:

(b) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine [~~in accordance with a certificate of authority issued under Section 486.012]~~, the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

No equivalent provision.

SECTION 2.03. Section 486.012, Health and Safety Code, is repealed.

ARTICLE 1. TITLE ATTORNEY  
LICENSE; ATTORNEY'S TITLE  
INSURANCE COMPANY

ARTICLE 2. EMERGENCY MANAGING  
GENERAL AGENT LICENSE

ARTICLE 3. BINGO UNIT MANAGER  
LICENSE

No equivalent provision.

No equivalent provision.

No equivalent provision.

No equivalent provision.

ARTICLE 4. TRANSITION AND  
EFFECTIVE DATE

No equivalent provision.

ARTICLE 3. Same as introduced version.

ARTICLE 4. Same as introduced version.

ARTICLE 5. Same as introduced version.

ARTICLE 6. AGRICULTURAL,  
INDUSTRIAL, AND WILDLIFE  
CONTROL FIREWORKS PERMIT

SECTION 6.01. Section 2154.152(a),  
Occupations Code, is amended to read as  
follows:

(a) A person must be a licensed distributor if  
the person:

(1) imports into this state or stores,  
possesses, and sells Fireworks 1.3G to a  
licensed pyrotechnic operator or distributor  
or to a single public display ~~or~~ multiple  
public display ~~[, or agricultural, industrial,  
and wildlife control fireworks]~~ permit  
holder; or

(2) imports or stores, possesses, and sells  
Fireworks 1.4G to a licensed jobber, retailer,  
or distributor in this state.

SECTION 6.02. Section 2154.251(b),  
Occupations Code, is amended to read as  
follows:

(b) A person may not manufacture,  
distribute, sell, or use fireworks in a public  
fireworks display ~~[or for agricultural,  
industrial, or wildlife control purposes]~~  
without an appropriate license or permit.  
Fireworks manufactured, distributed, sold,  
or used without an appropriate license or  
permit are illegal fireworks.

SECTION 6.03. Section 2154.203,  
Occupations Code, is repealed.

ARTICLE 7. Same as introduced version.

SECTION 7.01. Not later than December  
31, 2018, the comptroller of public accounts  
shall provide the initial report to the  
legislature as required by Section  
403.03058, Government Code, as added by  
this Act.

SECTION 4.01. The changes in law made by this Act do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

SECTION 4.02. 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 7.02. Same as introduced version.

SECTION 7.03. Same as introduced version.