

**SUBJECT:** Establishing a preemption for occupational licenses

**COMMITTEE:** Licensing & Administrative Procedures — favorable, without amendment

**VOTE:** 6 ayes — K. King, Goldman, Harless, Patterson, Schaefer, Shaheen

4 nays — Walle, Hernandez, Herrero, T. King

1 absent — S. Thompson

**WITNESSES:** For — Bill Lauderback, Texans for Economic Freedom; Rod Bordelon, Texas Public Policy Foundation (*Registered, but did not testify*: Annie Spilman, NFIB; Scott Norman, Texas Association of Builders)

Against — Kathryn Bruning, City of Houston, ARA; Jim Allison, County Judges and Commissioners Association of Texas; Briana Gordley, Texas Appleseed; John Litzler, Texas Baptists Christian Life Commission; Jenny Andrews, Texas Catholic Conference of Bishops (*Registered, but did not testify*: Tim Morstad, AARP; Kelly Traylor, Cherokee County; Brie Franco, City of Austin; Clifford Sparks, City of Dallas; Guadalupe Cuellar, City of El Paso; Jon Weist, City of Irving; Nadia Islam, City of San Antonio; Adam Haynes, Conference of Urban Counties; Rebekah Chenelle, Dallas County Commissioners Court; Elisa M. Tamayo, El Paso County; Rachel Hill, Equality Texas; Luis Figueroa, Every Texan; Stephen Reeves, Fellowship Southwest; Jessica Anderson, Houston Police Department; Ryan Pollock, IBEW 520; Emily Amps, Texas AFL-CIO; Angela Hale, Texas Competes Action; Joshua Houston, Texas Impact; Julie Wheeler, Travis County Commissioners Court; Kenneth Sumberlin, TSAEW; Natalie Webb, University Baptist Church, Austin, TX; and 10 individuals)

**BACKGROUND:** Concerns have been raised that duplicative state and municipal licensing and continuing education requirements may result in additional work and fees for some Texas professionals.

**DIGEST:** HB 2350 would specify that if a person was required to possess an

occupational license issued by a state licensing authority to engage in an occupation, a political subdivision could not adopt any ordinance, order, rule, law, or policy that:

- required the person to possess an occupational license by the political subdivision to engage in that occupation; or
- was more stringent than or was inconsistent with a state law or a rule adopted by the applicable state licensing authority and that regulated in any manner a contract entered into between the person and a member of the public for the purchase of goods and services.

Any ordinance, order, rule, regulation, law, or policy that violated the provisions of the bill would be void and unenforceable. The bill also would establish definitions for "occupational license", "political subdivision", and "state licensing authority" regarding the preemption of local licensing requirements.

The bill would not limit the authority of a political subdivision to adopt and enforce:

- a zoning regulation,
- a restriction on the location where an occupation could be engaged in;
- a requirement on a towing company or vehicle storage facility to register with the political subdivision in which the company of facility operated; or
- an ordinance, order, rule, regulation, law, or policy that protected the health and safety of persons in the political subdivision as authorized by law.

The bill would take effect September 1, 2023.