

BILL ANALYSIS

Senate Research Center

S.B. 1382
By: Armbrister
Government Organization
6/24/2003
Enrolled

DIGEST AND PURPOSE

Legislation was passed in 1999 and 2001 establishing a pilot project involving three regulatory agencies - the Texas Board of Architectural Examiners, the Texas Board of Professional Engineers, and the Texas Board of Public Accountancy - as self-directed, semi-independent agencies. S.B. 1382 authorizes the continuation of certain professional and occupational licensing boards as self-directed and semi-independent agencies.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 4(a) and (c), Article 8930, Revised Statutes, as follows:

- (a) Authorizes any Act of the 78th Legislature that relates to an agency included in Section 2 of this Act to be implemented on authorization by the governing board of the agency, to allow the pilot project the opportunity to test the effectiveness of operating under the provisions of this Act.
- (c) Provides that this Act expires September 1, 2015, rather than September 1, 2003. Deletes text stating that this Act is subject to Chapter 325, Government Code (Texas Sunset Act).

SECTION 2. Amends Section 6(c), Article 8930, Revised Statutes, to increase to \$703,344, from \$500,000, the amount required to be annually remitted to the general revenue fund by the Texas State Board of Public Accountancy and increase to \$373,900, from \$50,000, the amount required to be annually remitted to the general revenue fund by the Texas Board of Professional Engineers, and decrease to \$510,000, from \$700,000, the amount required to be remitted by the Texas Board of Architectural Examiners.

SECTION 3. Amends Section 14, Article 8930, Revised Statutes, by adding Subsections (c) and (d), as follows:

- (c) Authorizes a project agency to retain each fiscal year an amount of fines and other revenue the project agency receives during the fiscal year as a result of enforcement actions that is equal to 20 percent of the total amount expended by the project agency during the previous fiscal year, not to exceed \$1 million.
- (d) Requires that at the end of each fiscal year 50 percent of the unexpended balance of the amount retained in Subsection (c) of this section be deposited to the credit of the general revenue fund.

SECTION 4. Amends Article 8930, Revised Statutes, by adding Section 18, as follows:

Sec. 18. GIFTS. (a) Prohibits a project agency from accepting a gift, grant, or donation:

- (1) from a party to an enforcement action; or
- (2) to pursue a specific investigation or enforcement action.

(b) Requires a project agency to:

- (1) report each gift, grant, or donation that the agency receives as a separate item in the agency's detailed report under Section 8(b) of this Act; and
- (2) include with the report a statement indicating the purpose for which each gift, grant, or donation was used.

SECTION 5. Provides that if a conflict exists between this Act and another Act of the 78th Legislature, Regular Session, 2003, that amends the Self-Directed Semi-Independent Agency Project Act (Article 8930, Revised Statutes), including an Act that continues a project agency in accordance with Chapter 325, Government Code (Texas Sunset Act), this Act controls without regard to the relative dates of enactment.

SECTION 6. Effective date: September 1, 2003.