

By: Ellis

S.B. No. 1354

A BILL TO BE ENTITLED

AN ACT

1
2 relating to abolishing the State Board of Barber Examiners, the
3 Texas Cosmetology Commission, and the Texas Board of Professional
4 Land Surveying, and transferring the functions of those agencies to
5 the Texas Department of Licensing and Regulation.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section 1071.002, Occupations Code, is amended
8 by adding Subdivision (3-a) to read as follows:

9 (3-a) "Department" means the Texas Department of
10 Licensing and Regulation.

11 SECTION 2. Subchapter A, Chapter 1071, Occupations Code, is
12 amended by adding Section 1071.005 to read as follows:

13 Sec. 1071.005. TEXAS DEPARTMENT OF LICENSING AND
14 REGULATION. (a) The department shall administer this chapter. If
15 in administering this chapter there is a conflict between a
16 provision of this chapter and a provision of Chapter 51, the
17 provision of Chapter 51 controls.

18 (b) A reference in this chapter or other law to the board
19 means the department.

20 SECTION 3. Section 1601.001, Occupations Code, is amended
21 by adding Subdivision (4-a) to read as follows:

22 (4-a) "Department" means the Texas Department of
23 Licensing and Regulation.

24 SECTION 4. Subchapter A, Chapter 1601, Occupations Code, is

1 amended by adding Section 1601.005 to read as follows:

2 Sec. 1601.005. TEXAS DEPARTMENT OF LICENSING AND
3 REGULATION. (a) The department shall administer this chapter. If
4 in administering this chapter there is a conflict between a
5 provision of this chapter and a provision of Chapter 51, the
6 provision of Chapter 51 controls.

7 (b) A reference in this chapter or other law to the board
8 means the department.

9 SECTION 5. Section 1602.001, Occupations Code, is amended
10 by adding Subdivision (1-a) to read as follows:

11 (1-a) "Department" means the Texas Department of
12 Licensing and Regulation.

13 SECTION 6. Subchapter A, Chapter 1602, Occupations Code, is
14 amended by adding Section 1602.005 to read as follows:

15 Sec. 1602.005. TEXAS DEPARTMENT OF LICENSING AND
16 REGULATION. (a) The department shall administer this chapter. If
17 in administering this chapter there is a conflict between a
18 provision of this chapter and a provision of Chapter 51, the
19 provision of Chapter 51 controls.

20 (b) A reference in this chapter or other law to the
21 commission means the department.

22 SECTION 7. On November 1, 2003, the following laws are
23 repealed:

- 24 (1) Section 1071.003, Occupations Code;
25 (2) Subchapters B, C, and E, Chapter 1071, Occupations
26 Code;
27 (3) Section 1601.004, Occupations Code;

1 (4) Subchapters B, C, and E, Chapter 1601, Occupations
2 Code;

3 (5) Section 1602.004, Occupations Code; and

4 (6) Subchapters B, C, and E, Chapter 1602, Occupations
5 Code.

6 SECTION 8. (a) On November 1, 2003:

7 (1) all functions and activities relating to Chapter
8 1071, Occupations Code, performed by the Texas Board of
9 Professional Land Surveying immediately before that date are
10 transferred to the Texas Department of Licensing and Regulation;

11 (2) a rule or form adopted by the Texas Board of
12 Professional Land Surveying that relates to Chapter 1071,
13 Occupations Code, is a rule or form of the Texas Department of
14 Licensing and Regulation and remains in effect until amended or
15 replaced by that department;

16 (3) a reference in law or an administrative rule to the
17 Texas Board of Professional Land Surveying that relates to Chapter
18 1071, Occupations Code, means the Texas Department of Licensing and
19 Regulation;

20 (4) a complaint, investigation, or other proceeding
21 before the Texas Board of Professional Land Surveying that is
22 related to Chapter 1071, Occupations Code, is transferred without
23 change in status to the Texas Department of Licensing and
24 Regulation, and the Texas Department of Licensing and Regulation
25 assumes, as appropriate and without a change in status, the
26 position of the Texas Board of Professional Land Surveying in an
27 action or proceeding to which the Texas Board of Professional Land

1 Surveying is a party;

2 (5) all money, contracts, leases, property, and
3 obligations of the Texas Board of Professional Land Surveying
4 related to Chapter 1071, Occupations Code, are transferred to the
5 Texas Department of Licensing and Regulation;

6 (6) all property in the custody of the Texas Board of
7 Professional Land Surveying related to Chapter 1071, Occupations
8 Code, is transferred to the Texas Department of Licensing and
9 Regulation; and

10 (7) the unexpended and unobligated balance of any
11 money appropriated by the legislature for the Texas Board of
12 Professional Land Surveying related to Chapter 1071, Occupations
13 Code, is transferred to the Texas Department of Licensing and
14 Regulation.

15 (b) Before November 1, 2003, the Texas Board of Professional
16 Land Surveying may agree with the Texas Department of Licensing and
17 Regulation to transfer any property of the Texas Board of
18 Professional Land Surveying to the Texas Department of Licensing
19 and Regulation to implement the transfer required by this Act.

20 (c) In the period beginning on the effective date of this
21 Act and ending on November 1, 2003, the Texas Board of Professional
22 Land Surveying shall continue to perform functions and activities
23 under Chapter 1071, Occupations Code, as if that chapter had not
24 been amended by this Act, and the former law is continued in effect
25 for that purpose.

26 SECTION 9. (a) On November 1, 2003:

27 (1) all functions and activities relating to Chapter

1 1601, Occupations Code, performed by the State Board of Barber
2 Examiners immediately before that date are transferred to the Texas
3 Department of Licensing and Regulation;

4 (2) a rule or form adopted by the State Board of Barber
5 Examiners that relates to Chapter 1601, Occupations Code, is a rule
6 or form of the Texas Department of Licensing and Regulation and
7 remains in effect until amended or replaced by that department;

8 (3) a reference in law or an administrative rule to the
9 State Board of Barber Examiners that relates to Chapter 1601,
10 Occupations Code, means the Texas Department of Licensing and
11 Regulation;

12 (4) a complaint, investigation, or other proceeding
13 before the State Board of Barber Examiners that is related to
14 Chapter 1601, Occupations Code, is transferred without change in
15 status to the Texas Department of Licensing and Regulation, and the
16 Texas Department of Licensing and Regulation assumes, as
17 appropriate and without a change in status, the position of the
18 State Board of Barber Examiners in an action or proceeding to which
19 the State Board of Barber Examiners is a party;

20 (5) all money, contracts, leases, property, and
21 obligations of the State Board of Barber Examiners related to
22 Chapter 1601, Occupations Code, are transferred to the Texas
23 Department of Licensing and Regulation;

24 (6) all property in the custody of the State Board of
25 Barber Examiners related to Chapter 1601, Occupations Code, is
26 transferred to the Texas Department of Licensing and Regulation;
27 and

1 (7) the unexpended and unobligated balance of any
2 money appropriated by the legislature for the State Board of Barber
3 Examiners related to Chapter 1601, Occupations Code, is transferred
4 to the Texas Department of Licensing and Regulation.

5 (b) Before November 1, 2003, the State Board of Barber
6 Examiners may agree with the Texas Department of Licensing and
7 Regulation to transfer any property of the State Board of Barber
8 Examiners to the Texas Department of Licensing and Regulation to
9 implement the transfer required by this Act.

10 (c) In the period beginning on the effective date of this
11 Act and ending on November 1, 2003, the State Board of Barber
12 Examiners shall continue to perform functions and activities under
13 Chapter 1601, Occupations Code, as if that chapter had not been
14 amended by this Act, and the former law is continued in effect for
15 that purpose.

16 SECTION 10. (a) On November 1, 2003:

17 (1) all functions and activities relating to Chapter
18 1602, Occupations Code, performed by the Texas Cosmetology
19 Commission immediately before that date are transferred to the
20 Texas Department of Licensing and Regulation;

21 (2) a rule or form adopted by the Texas Cosmetology
22 Commission that relates to Chapter 1602, Occupations Code, is a
23 rule or form of the Texas Department of Licensing and Regulation and
24 remains in effect until amended or replaced by that department;

25 (3) a reference in law or an administrative rule to the
26 Texas Cosmetology Commission that relates to Chapter 1602,
27 Occupations Code, means the Texas Department of Licensing and

1 Regulation;

2 (4) a complaint, investigation, or other proceeding
3 before the Texas Cosmetology Commission that is related to Chapter
4 1602, Occupations Code, is transferred without change in status to
5 the Texas Department of Licensing and Regulation, and the Texas
6 Department of Licensing and Regulation assumes, as appropriate and
7 without a change in status, the position of the Texas Cosmetology
8 Commission in an action or proceeding to which the Texas
9 Cosmetology Commission is a party;

10 (5) all money, contracts, leases, property, and
11 obligations of the Texas Cosmetology Commission related to Chapter
12 1602, Occupations Code, are transferred to the Texas Department of
13 Licensing and Regulation;

14 (6) all property in the custody of the Texas
15 Cosmetology Commission related to Chapter 1602, Occupations Code,
16 is transferred to the Texas Department of Licensing and Regulation;
17 and

18 (7) the unexpended and unobligated balance of any
19 money appropriated by the legislature for the Texas Cosmetology
20 Commission related to Chapter 1602, Occupations Code, is
21 transferred to the Texas Department of Licensing and Regulation.

22 (b) Before November 1, 2003, the Texas Cosmetology
23 Commission may agree with the Texas Department of Licensing and
24 Regulation to transfer any property of the Texas Cosmetology
25 Commission to the Texas Department of Licensing and Regulation to
26 implement the transfer required by this Act.

27 (c) In the period beginning on the effective date of this

1 Act and ending on November 1, 2003, the Texas Cosmetology
2 Commission shall continue to perform functions and activities under
3 Chapter 1602, Occupations Code, as if that chapter had not been
4 amended by this Act, and the former law is continued in effect for
5 that purpose.

6 SECTION 11. This Act takes effect June 1, 2003, if it
7 receives a vote of two-thirds of all the members elected to each
8 house, as provided by Section 39, Article III, Texas Constitution.
9 If this Act does not receive the vote necessary for immediate
10 effect, this Act takes effect September 1, 2003.