

BILL ANALYSIS

H.B. 2371
By: Morrison
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Currently Texas statute only allows the Texas Workforce Commission (“TWC”) to set a hearing on whether to issue a cease and desist order against a person if two circumstances exist: TWC has reason to believe that the person is operating a career school or college without a certificate and the person has not responded to more than one written notice from TWC regarding the person’s noncompliance. Because both circumstances must exist, a person who is believed to be operating a career school without a certificate may avoid a hearing simply by providing a non-substantive response to a written notice.

H.B. 2371 removes any procedural ambiguity and streamlines the cease and desist order process.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency or institution.

ANALYSIS

SECTION 1. Removes the provision regarding a non-response by a person to more than one written notice from the commission before the commission may set a hearing on whether to issue a cease and desist order and renumbers accordingly.

SECTION 2. Effective date.

EFFECTIVE DATE

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, 2007.