

BILL ANALYSIS

Senate Research Center

H.B. 2458
By: Cook, Byron et al. (Brimer)
Government Organization
5/5/2007
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas Structural Pest Control Board (board) is subject to the Sunset Act and will be abolished on September 1, 2007, unless continued by the legislature. The board was created in 1971 to ensure that those who perform pest control activities in buildings, homes, and other structures are qualified, competent, and adhere to established professional standards. The board has two primary functions: licensing commercial and non-commercial pest control professionals and enforcing the Texas Structural Pest Control Act and federal law through inspections and complaint investigations. The board currently licenses more than 16,000 pest control business and applicators, with a staff of 29 employees and an annual budget of \$1.4 million.

The Sunset Advisory Commission (commission) determined that Texas has a continuing need to regulate the structural pest control industry to protect the public and the environment from the misuse of pesticides. However, Texas does not have a continuing need for a separate, independent agency to perform this function. The board's responsibilities could be successfully transferred to the Department of Agriculture (TDA).

The commission also identified several specific areas of pest control regulation needing improvement. The board's biennial inspection requirement means the agency spends its limited resources on pest control businesses with few or no compliance problems and prevents it from focusing on other priorities. The board's current approach to inspecting school Integrated Pest Management (IPM) programs does not ensure that they are inspected regularly. The board's system for classifying pesticides in the IPM program is not sufficient to prevent inappropriate pesticide applications in school environments. Further, the board does not routinely communicate with schools, resulting in schools being unaware of important changes in regulations and practices.

The board's unstructured method of developing and revising licensing exams could result in inconsistent assessment of applicants' knowledge. Key elements of the board's licensing and regulatory functions do not conform to commonly applied licensing practices. Requiring beekeepers to be licensed to remove bees from structures without using pesticides is not needed to protect the public.

H.B. 2458 contains the commission's recommendation to abolish the board and transfer its functions to TDA. The bill also includes several changes in law to improve the licensing and enforcement of pest control operators.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Department of Agriculture in SECTION 1.10 (Section 1951.105, Occupations Code), SECTION 1.25 (Section 1951.212, Occupations Code), SECTION 1.39 (Section 1951.309, Occupations Code), SECTION 1.41 (Section 1951.311, Occupations Code), and SECTION 1.47 (Section 1951.353, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Structural Pest Control Board is transferred to the Texas Department of Agriculture in SECTION 1.18 (Section 1951.205, Occupations Code), SECTION 1.19 (Section 1951.206, Occupations Code), SECTION 1.20 (Section 1951.207, Occupations Code), SECTION 1.27 (Section 1951.252, Occupations Code), SECTION 1.38 (Section 1951.308, Occupations Code), SECTION 1.42 (Section 1951.312, Occupations Code), SECTION 1.50 (Section 1951.403, Occupations Code), SECTION 1.56

(Section 1951.456, Occupations Code), SECTION 1.57 (Section 1951.457, Occupations Code), SECTION 1.61 (Section 1951.504, Occupations Code), SECTION 1.73 (Section 1951.601, Occupations Code), and SECTION 3.01 of this bill.

Rulemaking authority is previously granted to the Texas Structural Pest Control Board and the Texas Board of Health is transferred to the Texas Department of Agriculture and the executive commissioner of the Health and Human Services Commission in SECTION 1.22 (Section 1951.209, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. CHANGES TO THE TEXAS STRUCTURAL PEST CONTROL ACT

SECTION 1.01 Amends Section 1951.002, Occupations Code, by amending Subdivision (14) and adding Subdivisions (5-a), (5-b), and (6-a), to define "commissioner," "committee," "department" and to redefine "state-limited-use pesticide."

SECTION 1.02. Amends Section 1951.053, Occupations Code, as follows:

Sec. 1951.053. New heading: PERSON PERFORMING PEST CONTROL WORK OTHERWISE REGULATED BY DEPARTMENT. (a) Deletes existing text referring to the Texas Department of Agriculture (TDA) and replaces with "department." Provides that TDA is the entity regulating certain persons with licenses issued under Chapter 76 (Pesticide and Herbicide Regulation), Agriculture Code. Makes conforming changes.

(b) Makes no changes to this subsection.

(c) Provides that the Department of State Health Services (DSHS), rather than the Texas Department of Health, is the entity that approves biological pesticides for general use.

SECTION 1.03. Amends Section 1951.055(a), Occupations Code, to provide that TDA, rather than the Texas Structural Pest Control Board (board), is the source of rules or guidelines for the use of retail pest control chemicals available for certain uses.

SECTION 1.04. Amends Section 1951.056(a), Occupations Code, to delete existing text providing that Chapter 1951 (Structural Pest Control), Occupations Code, does not apply to a beekeeper, as defined by Section 131.001 (Definitions), Agriculture Code, who is registered with the board, or who collects, removes, or destroys honey bees specifically in an area not attached to a dwelling or structure occupied by the public.

SECTION 1.05. Amends the heading to Subchapter C, Chapter 1951, Occupations Code, to read as follows:

SUBCHAPTER C. STRUCTURAL PEST CONTROL ADVISORY COMMITTEE

SECTION 1.06. Amends Section 1951.101, Occupations Code, as follows:

Sec. 1951.101. New heading: COMMITTEE MEMBERSHIP. (a) Sets forth the membership composition of the Structural Pest Control Advisory Committee (committee), rather than the board, as appointed by the commissioner of agriculture (commissioner).

(b) Provides that members of the committee serve at the pleasure of the commissioner. Deletes existing text relating to the appointment of board members and their terms.

(c) Provides that service on the committee by a state officer or employee is an additional duty of the member's office or employment. Deletes existing text providing that the representatives of the commissioner, the commissioner of

public health, and the chair of the Department of Entomology at Texas A&M University are members of the board.

(d) Makes a conforming change.

SECTION 1.07. Amends Section 1951.102, Occupations Code, to make conforming changes.

SECTION 1.08. Amends Section 1951.003, Occupations Code, as follows:

Sec. 1951.003. New heading: MEMBERSHIP RESTRICTIONS. (a) Redefines "Texas trade association."

(b) Prohibits a person from being a member of the committee if the person or the person's spouse is an officer, employee, or paid consultant of a Texas trade association in the field of pest control. Deletes existing text prohibiting said person or spouse from being an employee of the board who is exempt from the state's position classification plan or who is compensated at or above a certain amount prescribed by the General Appropriations Act.

(c) Prohibits a person from being a member of the committee if the person is required to register as a lobbyist under Chapter 305 (Registration of Lobbyists), Government Code, due to the person's activities for compensation on behalf of a profession related to TDA. Makes a conforming change. Deletes existing Subsection (d), which prohibits a person from serving as a member of or acting as general counsel to the board if the person is required to register as a lobbyist because of the person's activities for compensation on behalf of a profession related to the board.

SECTION 1.09. Amends Section 1951.104, Occupations Code, as follows:

Sec. 1951.104. New heading: DUTIES OF COMMITTEE. Requires the committee to gather and provide information relating to structural pest control at the request of TDA or the commissioner, and to advise TDA and the commissioner on certain issues affecting the practice of structural pest control. Deletes existing text relating to the terms of board members.

SECTION 1.10. Amends Section 1951.105, Occupations Code, as follows:

Sec. 1951.105. New heading: RULES GOVERNING COMMITTEE. Requires TDA to adopt certain rules for the operation of the committee. Deletes existing text requiring the governor to designate a member of the board as presiding officer and that the presiding officer serves at the pleasure of the governor.

SECTION 1.11. Amends the heading to Section 1951.106, Occupations Code, to read as follows:

Sec. 1951.106. APPLICABILITY OF OTHER LAW TO COMMITTEE.

SECTION 1.12. Amends Section 1951.106(a), Occupation Code, by providing that Section 2110.008 (Duration of Advisory Committees) does not apply to the committee, and by deleting existing text that provides certain grounds for removal of a member from the board.

SECTION 1.13. Amends the heading to Subchapter E, Chapter 1951, Occupations Code, to read as follows:

SUBCHAPTER E. POWERS AND DUTIES OF DEPARTMENT RELATING TO
STRUCTURAL PEST CONTROL

SECTION 1.14. Amends Section 1951.201, Occupations Code, as follows:

Sec. 1951.201. New heading: SOLE LICENSING AUTHORITY; FEES. (a) Creates this subsection from existing text. Makes a conforming change.

(b) Requires TDA to establish fees under this chapter in amounts reasonable and necessary to cover the costs of administering TDA's programs and activities under this chapter.

SECTION 1.15. Amends Section 1951.202, Occupations Code, by requiring TDA to adopt bylaws governing TDA's affairs under this chapter, and to make conforming changes.

SECTION 1.16. Amends Section 1951.203, Occupations Code, to make a conforming change.

SECTION 1.17. Amends Sections 1951.204(a), (b), and (c), Occupations Code, as follows:

(a) Authorizes the commissioner, rather than the board, to request and, if necessary, compel by subpoena, certain witnesses or evidence as part of an investigation under this chapter.

(b) Makes a conforming change.

(c) Includes in the venues for an action brought by the commissioner to enforce compliance with a subpoena, a district court in the county in which the alleged violation occurred, rather than the county in which the board is authorized to hold a hearing.

SECTION 1.18. Amends Section 1951.205, Occupations Code, to make conforming changes.

SECTION 1.19. Amends Section 1951.206, Occupations Code, to make conforming changes.

SECTION 1.20. Amends Section 1951.207, Occupations Code, as follows:

Sec. 1951.207. INSPECTION OF LICENSE HOLDERS. (a) Requires TDA, rather than the board, by rule to adopt policies that require a business holding a structural pest control business license (license holder) to be inspected by a field inspector at certain times, and provides for additional inspections based on a schedule of risk-based inspections using certain criteria. Deletes existing text providing for the initiation of more frequent inspections for a business or license applicant that has violated this chapter. Makes conforming changes. Requires TDA to adopt a policy authorizing TDA, rather than the executive director of TDA, to waive the inspection requirement on a case-by-case basis in case of emergency or a need to accommodate complaint investigation schedules.

(b) Requires TDA by rule to adopt a policy and guidelines for conducting an investigation under this chapter, including the circumstances in which a case should be referred to certain agencies. Makes conforming changes.

SECTION 1.21. Amends Section 1951.208, Occupations Code, to make conforming changes.

SECTION 1.22. Amends Section 1951.209, Occupations Code, to require TDA and the executive commissioner of the Health and Human Services Commission (HHSC) to jointly adopt rules towards making certain information available to DSHS, and to make conforming changes.

SECTION 1.23. Amends Section 1951.210, Occupations Code, to make conforming changes.

SECTION 1.24. Amends Section 1951.211, Occupations Code, by deleting existing text specifying TDA as an entity the board was authorized to contract with for the services of an expert in integrated pest management. Makes conforming changes.

SECTION 1.25. Amends Section 1951.212, Occupations Code, as follows:

Sec. 1951. INTEGRATED PEST MANAGEMENT PROGRAMS FOR SCHOOL DISTRICTS. (a) Makes a conforming change.

(b) Makes conforming changes.

(c) Deletes existing text requiring TDA to include a list of products that a school district is allowed to use in its applications in standards adopted for an integrated pest management program under this section. Makes a conforming change.

(d) Requires TDA by rule to establish categories of pesticides that a school district is allowed to apply. Requires the rules to specify certain standards for pesticide use in each category. Deletes existing text requiring the board to require that a pesticide may be applied to a school building or on school grounds only when students are not expected to be present for normal academic instruction or organized extracurricular activities for at least 12 hours after the application.

(e) Requires each school district to adopt an integrated pest management program incorporating standards established by TDA under this section, to designate an integrated pest management coordinator (coordinator) for the district, and to report to TDA certain contact information of that coordinator not more than 90 days after that coordinator is named or replaced.

(f) Requires each coordinator to successfully complete six hours of continuing education in integrated pest management every three years.

(g) Requires TDA to inspect each school district at least once every five years for compliance with this section. Authorizes TDA to conduct additional inspections based on a schedule of risk-based inspections using certain criteria.

SECTION 1.26. Amends Section 1951.251, Occupations Code, to make conforming changes.

SECTION 1.27. Amends Section 1951.252, Occupations Code, as follows:

Sec. 1951.252. COMPLAINTS. (a) - (c) Makes conforming changes.

(d) Requires TDA to provide to a license holder against whom a complaint has been filed the allegations made in the complaint and, on the license holder's request, any information obtained by TDA in its investigation of the complaint.

(e) Requires TDA to provide the information required under Subsection (d) in a timely manner to allow the license holder time to respond to the complaint.

(f) Authorizes the commissioner to allow an authorized employee of TDA to dismiss a complaint if an investigation demonstrates that a violation did not occur or that the subject of the complaint is outside TDA's jurisdiction under this chapter.

(g) Requires an employee authorized by the commissioner to dismiss a complaint to report said dismissal to the commissioner, and for that report, to include sufficient explanation of the reason for complaint's dismissal.

SECTION 1.28. Amends Section 1951.253, Occupations Code, to make conforming changes.

SECTION 1.29. Amends Section 1951.254, Occupations Code, as follows:

Sec. 1951.254. PUBLIC INFORMATION PROGRAM. (a) - (c) Makes conforming changes.

(d) Requires the public information program to take certain actions, including adopting and distributing a standard form for complaints and informing certain persons about TDA's enforcement process and each step in that process under this chapter and to inform a license holder that he or she may obtain information about a complaint against the license holder and request a copy of the complaint file,

among the requirements of the public information program. Makes conforming changes.

(e) - (g) Makes conforming changes.

SECTION 1.30. Amends Subchapter F, Chapter 1951, Occupations Code, by adding Section 1951.255, as follows:

Sec. 1951.255. ENFORCEMENT INFORMATION. (a) Requires TDA to make available to the public information about each final enforcement action taken by TDA against a person under this chapter. Requires TDA to provide this information on its website and in other appropriate publications.

(b) Authorizes TDA to determine the format in which the information required by this section will be provided.

SECTION 1.31. Amends Section 1951.301(b), Occupations Code, to make a conforming change.

SECTION 1.32. Amends Section 1951.302, Occupations Code, to make a conforming change.

SECTION 1.33. Amends Section 1951.303(a), Occupations Code, to redefine "incidental use situation."

SECTION 1.34. Amends Section 1951.304, Occupations Code, to make a conforming change.

SECTION 1.35. Amends Section 1951.305, Occupations Code, to make conforming changes.

SECTION 1.36. Amends Section 1951.306, Occupations Code, to make conforming changes.

SECTION 1.37. Amends Section 1951.307, Occupations Code, to make a conforming change.

SECTION 1.38. Amends Section 1951.308(a), Occupations Code, to make a conforming change.

SECTION 1.39. Amends Section 1951.309, Occupations Code, as follows:

Sec. 1951.309. FEE FOR INITIAL OR RENEWAL LICENSE. (a) Requires an applicant for an initial or renewal structural pest control business license (license) or for an initial or renewal endorsement of license under Section 1951.306 (Waiver for Applicant Licensed in Another State), Occupations Code, to pay an application fee established by TDA for the specific application being submitted. Deletes existing text providing the maximum amount of those fees, as determined by TDA.

(b) Requires an applicant for an initial or renewal certified applicator's license to submit with the person's application an application fee established by TDA. Deletes existing text providing the maximum amount of the fee, as determined by TDA.

SECTION 1.40. Amends Section 1951.310, Occupations Code, as follows:

Sec. 1951.310. LATE RENEWAL OF LICENSE. (a) Makes a conforming change.

(b) Requires a person filing a late renewal application with TDA within 30 days after the person's license's expiration date (expiration date) to pay a renewal fee that is equal to 1-1/2 times the normally required renewal fee. Deletes existing text specifying the amount of the fee. Makes a conforming change.

(c) Requires a person filing a late renewal application with TDA after 30 days past the expiration date but before the 60th day past the expiration date to pay a

renewal fee that is equal to twice the normally required renewal fee. Deletes existing text specifying the amount of the fee. Makes a conforming change.

(d) Requires a person filing a late renewal application with TDA after the 60th day past the expiration date to be reexamined by TDA to obtain a license.

SECTION 1.41. Amends Section 1951.311, Occupations Code, to make conforming changes.

SECTION 1.42. Amends Sections 1951.312(a) - (d), Occupations Code, to make conforming changes.

SECTION 1.43. Amends Section 1951.313, Occupations Code, to make a conforming change.

SECTION 1.44. Amends Section 1951.314, Occupations Code, to make a conforming change.

SECTION 1.45. Amends Section 1951.351, Occupations Code, to make conforming changes.

SECTION 1.46. Amends Section 1951.352, Occupations Code, to make conforming changes.

SECTION 1.47. Amends Section 1951.353, Occupations Code, to make conforming changes.

SECTION 1.48. Amends Section 1951.401, Occupations Code, to make conforming changes.

SECTION 1.49. Amends Section 1951.402, Occupations Code, to make conforming changes.

SECTION 1.50. Amends Section 1951.403, Occupations Code, to make conforming changes.

SECTION 1.51. Amends Section 1951.404, Occupations Code, to make a conforming change.

SECTION 1.52. Amends Section 1951.405, Occupations Code, to make conforming changes.

SECTION 1.53. Amends Subchapter I, Chapter 1951, Occupations Code, by adding Section 1951.406, as follows:

Sec. 1951.406. EXAMINATION POLICY. (a) Requires TDA to develop a written policy governing licensing examinations under this subchapter that prescribe procedures for improving the design and construction of and the administration of examinations, and a process for evaluating examinations in use.

(b) Sets forth certain procedures and guidelines that the policy is required to include.

SECTION 1.54. Amends Section 1951.451, Occupations Code, to make conforming changes.

SECTION 1.55. Amends Section 1951.452, Occupations Code, to make conforming changes.

SECTION 1.56. Amends Section 1951.456(a), (b), and (d), Occupations Code, to make conforming changes.

SECTION 1.57. Amends Section 1951.457(c), Occupations Code, to authorize the board to adopt rules requiring the distribution of a pest control information sheet for an outdoor treatment other than such a treatment described in Section 1951.457 (Pest Control for Outside Treatments) if TDA determines that said distribution would protect the public's health, safety, and welfare, and to make conforming changes.

SECTION 1.58. Amends Section 1951.501, Occupations Code, as follows:

Sec. 1951.501. New heading: DISCIPLINARY POWERS OF COMMISSIONER RELATING TO STRUCTURAL PEST CONTROL. (a) Makes no changes to this subsection.

(b) Makes conforming changes.

(c) Authorizes the commissioner to take certain actions on a determination that a person has violated this chapter or a rule adopted by TDA under this chapter. Makes conforming changes.

(d) Makes conforming changes.

SECTION 1.59. Amends Section 1951.502, Occupations Code, to make conforming changes.

SECTION 1.60. Amends Sections 1951.503(a) and (b), Occupations Code, to make conforming changes.

SECTION 1.61. Amends Sections 1951.504(a), (b), (c), and (e), Occupations Code, as follows:

(a) Makes conforming changes.

(b) Requires TDA by rule to establish guidelines for the settlement of a contested case under Chapter 2001 (Administrative Procedure), Government Code.

(c) Authorizes the commissioner to authorize TDA, rather than the representatives of the board, to conduct informal settlement negotiations between TDA and a license holder to resolve a complaint, other than a complaint involving a misapplication, by a consumer against the license holder (informal settlement).

(e) Requires TDA by rule to establish guidelines for the informal settlement.

SECTION 1.62. Amends Sections 1951.505(b) and (c), Occupations Code, to make conforming changes.

SECTION 1.63. Amends Subchapter K, Chapter 1951, Occupations Code, by adding Section 1951.506, as follows:

Sec. 1951.506. EMERGENCY SUSPENSION. (a) Requires the commissioner to temporarily suspend the license of a license holder if the commissioner determines from presented evidence or information that the license holder constitutes an imminent threat to the public welfare or environment.

(b) Authorizes the suspension of a license under this section without notice or hearing on the complaint if the action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings (SOAH) simultaneously with the temporary suspension, and if a hearing is held as soon as practicable under this chapter and Chapter 2001 (Administrative Proceedings), Government Code.

(c) Requires SOAH to hold a preliminary hearing within 14 days of the date of temporary suspension to determine if there is probable cause to believe that an imminent threat to the public welfare or environment still exists. Requires a final hearing to be held on the matter not later than the 61st day after the date of temporary suspension.

SECTION 1.64. Amends Section 1951.551, Occupations Code, as follows:

Sec. 1951.551. IMPOSITION OF ADMINISTRATIVE PENALTY. Authorizes the commissioner to impose an administrative penalty on a person who violates this chapter, a rule adopted or order issues under this chapter, or a cease and desist order issued under Section 1951.604, Occupation Code. Makes conforming changes.

SECTION 1.65. Amends Section 1951.552(b), Occupations Code, to make a conforming change.

SECTION 1.66. Amends Section 1951.553, Occupations Code, as follows:

Sec. 1951.553. REPORT AND NOTICE OF VIOLATION AND PENALTY. (a) Authorizes the commissioner, rather than the executive director of TDA, to issue a violation report with certain information included if the commissioner has determined that a violation has occurred after an investigation.

(b) and (c) Makes conforming changes.

SECTION 1.67. Amends Section 1951.554, Occupations Code, to make conforming changes.

SECTION 1.68. Amends Section 1951.555, Occupations Code, to make conforming changes.

SECTION 1.69. Amends Section 1951.556, Occupations Code, to make conforming changes.

SECTION 1.70. Amends Section 1951.557, Occupations Code, to make conforming changes.

SECTION 1.71. Amends Section 1951.558, Occupations Code, to make a conforming change.

SECTION 1.72. Amends Section 1951.559(a), Occupations Code, to make a conforming change.

SECTION 1.73. Amends Section 1951.601, Occupations Code, by requiring TDA by rule to adopt a policy to require the commissioner to institute an enforcement action against an applicator found to have misapplied pesticides, and to make conforming changes.

SECTION 1.74. Amends Section 1951.602, Occupations Code, to make conforming changes.

SECTION 1.75. Amends Subchapter M, Chapter 1951, Occupations Code, by adding Section 1951.604, as follows:

Sec. 1951.604. CEASE AND DESIST ORDER. Authorizes the commissioner to issue a cease and desist order prohibiting a person found to be without a license, and in violation of this chapter, a rule adopted under this chapter, or a state statute or rule relating to the practice of structural pest control, from engaging in these activities any further.

SECTION 1.76. Amends Subchapter M, Chapter 1951, Occupations Code, by adding Section 1951.605, as follows:

Sec. 1951.605. STOP USE ORDER. (a) Authorizes TDA, if TDA has reason to believe a license holder is using or distributing a pesticide that is in violation of Chapter 76 (Pesticide and Herbicide Regulation), Agriculture Code, to issue and enforce a written or printed order to stop use of a pesticide. Requires TDA to present the order to the owner or custodian of the pesticide. Prohibits the person receiving this order from using the pesticide until TDA determines that the pesticide is in compliance with this chapter and does not pose a hazard to the public health, safety, or welfare.

(b) Provides that this section does not limit the right of TDA or the commissioner to proceed as authorized by another section of this chapter, including the assessment of administrative penalties under this chapter.

(c) Authorizes a person to appeal an order issued under this section in the manner provided by Subchapter K (Disciplinary Procedures) or Subchapter L (Administrative Penalty), Chapter 1951, Occupations Code.

SECTION 1.77. (1) Repealer: Section 1951.002(2) (regarding the definition of "board"), Occupation Code.

(2) Repealer: Section 1951.007 (Application of Sunset Act), Occupation Code.

(3) Repealer: Sections 1951.106 (b) and (c) (regarding grounds for removal of a member of the board), Occupation Code.

(4) Repealer: Section 1951.107 (Compensation; Reimbursement), Occupation Code.

(5) Repealer: Subchapter D, Chapter 1951 (Executive Director and Other Board Personnel), Occupation Code.

ARTICLE 2. CONFORMING AMENDMENTS.

SECTION 2.01. Amends Section 88.215(b), Education Code, to delete existing text placing a representative of the board, as appointed by the executive director of the board, on the Fire Ant Research and Management Account Advisory Committee, and to specify that said advisory committee is composed of 11 members, rather than 12.

SECTION 2.02. Amends Section 232.002, Family Code, as follows:

Sec. 232.002. LICENSING AUTHORITIES SUBJECT TO CHAPTER. Includes the Texas Medical Board, rather than the Texas State Board of Examiners, in the list of licensing authorities subject to Chapter 232 (Suspension of License), Family Code (list). Deletes existing text placing the board on the list. Includes the savings and mortgage lending commissioner, rather than the savings and loan commissioner, on the list. Makes conforming changes.

SECTION 2.03. Amends Section 2054.352(a), Government Code, to include the Texas Medical Board, rather than the Texas State Board of Medical Examiners, and to include TDA for licenses issued under Chapter 1951 (Structural Pest Control), Occupations Code, rather than the board, in the list of licensing entities required to participate in the electronic system for occupational licensing transactions.

SECTION 2.04. Repealer: Section 411.101 (Access to Criminal History Record Information: Texas Structural Pest Control Board), Government Code.

ARTICLE 3. TRANSITION AND EFFECTIVE DATE

SECTION 3.01. (a) Provides that the board is abolished but is to continue in existence until March 1, 2008, for the sole purpose of transferring certain items, personnel, responsibilities, and powers to TDA. Provides that TDA assumes these certain items, personnel, responsibilities, and powers of the board as it exists immediately before the effective date of this Act. Requires all unexpended funds appropriated to the board to be transferred to TDA. Requires the transfer of all certain, personnel, responsibilities, and powers to TDA by the board not later than March 1, 2008.

(b) Provides that all rules of the board are continued in effect as rules of TDA until superseded by a rule of TDA. Makes application of this Act to certificates, licenses, or permits issued by the board prospective. Provides that a complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act. Provides that an inspection or other activity conducted by the board is considered to be an inspection or activity conducted by TDA.

(c) Provides that a reference in another law or administrative rule to the board means TDA.

SECTION 3.02. (a) Requires the board, in cooperation with and at the direction of TDA, to complete all necessary computer programming and other tasks to ensure that the agency numbers assigned by the comptroller of public accounts (comptroller) to the board and TDA are not necessary for any fiscal year after 2007, except to complete earlier fiscal year revenue and expenditure transactions and reporting. Requires the number assigned by the comptroller to TDA to be used to record transactions related to the regulation of structural pest control beginning in fiscal year 2008.

(b) Requires the board, not later than July 1, 2007, to request that the comptroller grant TDA inquiry-only security access to certain statewide personnel systems. Authorizes TDA and the comptroller to coordinate implementation of this section.

(c) Requires TDA, not later than July 15, 2007, to provide the board detailed information regarding the board's responsibilities under Subsection (a) of this section.

SECTION 3.03. Makes application of this Act with respect to conduct that is grounds for a disciplinary sanction, including an emergency suspension or a cease and desist order, prospective to September 1, 2007.

SECTION 3.04. Requires TDA to adopt rules and policies required under Section 1951.105, Section 1951.207(a)(2), and Section 1951.212(d), Occupation Code, as amended by this Act, and Section 1951.101, Occupations Code, as added by this Act, not later than September 1, 2008.

SECTION 3.05. Requires the commissioner to appoint the initial members of the committee under Section 1951.101, Occupations Code, as amended by this Act, not later than September 1, 2008.

SECTION 3.06. Requires each school district to provide certain contact information for the district's coordinator to TDA as required by Section 1951.212(e), Occupations Code, not later than September 1, 2008.

SECTION 3.07. Effective date, except as provided by Subsection (b) of this section: September 1, 2007.

(b) Effective date, SECTION 3.02: upon passage, contingent on said passage by a vote of two-thirds of the members of each house.