

By: Brown of Brazos, Lucio III, et al.

H.B. No. 998

Substitute the following for H.B. No. 998:

By: Madden

C.S.H.B. No. 998

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the hearing and final decision of certain occupational
3 licensing contested cases by a State Office of Administrative
4 Hearings administrative law judge.

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

6 SECTION 1. Section 2001.054, Government Code, is amended by
7 adding Subsection (a-1) to read as follows:

8 (a-1) The denial, suspension, revocation, annulment, or
9 refusal to renew an occupational license or the imposition of an
10 administrative penalty or other sanction against an occupational
11 license holder by a state agency listed in Section 101.002,
12 Occupations Code, is required to be preceded by notice and
13 opportunity for hearing, and the contested case hearing must be
14 conducted in accordance with Section 2001.058(g) by an
15 administrative law judge employed by the State Office of
16 Administrative Hearings.

17 SECTION 2. Section 2001.058, Government Code, is amended by
18 adding Subsection (g) to read as follows:

19 (g) This subsection applies only to a contested case
20 described by Section 2001.054(a-1) that concerns licensing in
21 relation to an occupational license issued by a state agency listed
22 in Section 101.002, Occupations Code, and that is not disposed of by
23 stipulation, agreed settlement, or consent order. Notwithstanding
24 Subsection (e) or any other law, the administrative law judge shall

1 render the final decision in the contested case, and the following
2 provisions apply:

3 (1) the administrative law judge shall render the
4 decision that may become final under Section 2001.144 not later
5 than the 60th day after the latter of the date on which the hearing
6 is finally closed or the date by which the judge has ordered all
7 briefs, reply briefs, and other posthearing documents to be filed,
8 and the 60-day period may be extended only with the consent of all
9 parties, including the occupational licensing agency;

10 (2) the administrative law judge shall include in the
11 findings of fact and conclusions of law a determination whether the
12 license at issue is primarily a license to engage in an occupation
13 issued by a state agency listed in Section 101.002, Occupations
14 Code, and a determination whether the case concerns an issue
15 described by Section 2001.054(a-1);

16 (3) the State Office of Administrative Hearings is the
17 state agency with which a motion for rehearing or a reply to a
18 motion for rehearing is filed under Section 2001.146 and is the
19 state agency that acts on the motion or extends a time period under
20 Section 2001.146;

21 (4) the State Office of Administrative Hearings is the
22 state agency responsible for sending a copy of the decision that may
23 become final under Section 2001.144 or an order ruling on a motion
24 for rehearing to the parties, including the occupational licensing
25 agency, in accordance with Section 2001.142; and

26 (5) the occupational licensing agency and any other
27 party to the contested case is entitled to obtain judicial review of

1 the final decision in accordance with this chapter.

2 SECTION 3. Section 2003.021, Government Code, is amended by
3 adding Subsection (h) to read as follows:

4 (h) The office shall conduct all hearings and render the
5 final decision in contested cases under Chapter 2001 involving the
6 denial, suspension, revocation, annulment, or refusal to renew an
7 occupational license or the imposition of an administrative penalty
8 or other sanction against an occupational license holder, as
9 provided by Sections 2001.054(a-1) and 2001.058(g).

10 SECTION 4. The changes in law made by this Act do not apply
11 in relation to a matter described by Sections 2001.054(a-1) and
12 2001.058(g), Government Code, as added by this Act, if before the
13 effective date of this Act an administrative law judge issued a
14 written proposal for decision in a contested case on the matter. A
15 matter described by this section is governed by the law in effect on
16 the date the proposal for decision was issued, and the former law is
17 continued in effect for that purpose.

18 SECTION 5. This Act takes effect September 1, 2009.