A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Section 2001.054(a), Government Code, is amended to read as follows:

(a) The provisions of this chapter concerning contested cases apply to the grant, denial, or renewal of a license that is required to be preceded by notice and opportunity for hearing. The denial, suspension, revocation, annulment, or refusal to renew an occupational license or the imposition of an administrative penalty or other sanction against an occupational license holder is required to be preceded by notice and opportunity for hearing, and the contested case hearing must be conducted in accordance with Section 2001.058(f) by an administrative law judge employed by the State Office of Administrative Hearings.

SECTION 2. Section 2001.058(f), Government Code, is amended to read as follows:

(f) This subsection applies only to a contested case described by Section 2001.054(a) [A state agency by rule may provide that, in a contested case before the agency] that concerns licensing in relation to an occupational license and that is not disposed of by stipulation, agreed settlement, or consent order.
Notwithstanding Subsection (e) or any other law, the administrative law judge shall render the final decision in the contested case, and [.. If a state agency adopts such a rule,] the following provisions apply [to contested cases covered by the rule]:

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

(2) the administrative law judge shall include in the findings of fact and conclusions of law a determination whether the license at issue is primarily a license to engage in an occupation and a determination whether the case concerns an issue described by Section 2001.054(a);

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

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

(5) the occupational licensing agency and any other
party to the contested case is entitled to obtain judicial review of the final decision in accordance with this chapter.

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

(h) The office shall conduct all hearings and render the final decision in contested cases under Chapter 2001 involving the denial, suspension, revocation, annulment, or refusal to renew an occupational license or the imposition of an administrative penalty or other sanction against an occupational license holder, as provided by Section 2001.054(a).

SECTION 4. The changes in law made by this Act do not apply in relation to a matter described by Section 2001.054(a), Government Code, as amended by this Act, if before the effective date of this Act the state agency gave notice of its intended action to the individual affected and the affected individual was entitled to an opportunity for a hearing conducted under Chapter 2001, Government Code, before the action could be taken. A matter described by this section is governed by the law in effect on the date the notice was given, and the former law is continued in effect for that purpose.

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