

BILL ANALYSIS

H.B. 2742
By: Kleinschmidt
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas Structural Pest Control Act currently refers to the business of structural pest control as the performing of specified pest control services for compensation. The act previously contained language that included in the business of structural pest control the offer to perform such services or the advertising for or soliciting of a person's performance of such services; language which was inadvertently removed. Interested parties indicate that this removal allows unlicensed pest control operators to advertise and solicit business without violating the act. Additionally, the parties contend that the limitations of the current law require the Texas Department of Agriculture, which enforces the act, to observe an unlicensed pest control operator in the performance of pest control services in order to cite the operator for a violation, an almost insurmountable obstacle to enforcement that leaves the public vulnerable to unscrupulous, untrained, and unlicensed operators. H.B. 2742 seeks to correct these problems by restoring the removed language to the act.

RULEMAKING AUTHORITY

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

ANALYSIS

H.B. 2742 amends the Occupations Code, in provisions of the Texas Structural Pest Control Act establishing the conditions under which a person is engaged in the "business of structural pest control," to include among those conditions that a person offers to perform or advertises for or solicits the person's performance of any of certain pest control services for compensation, including such services performed as a part of the person's employment.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.