

By: Callegari

H.B. No. 825

A BILL TO BE ENTITLED

AN ACT

relating to the review by the Sunset Advisory Commission of
legislation proposing to regulate an occupation.

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

SECTION 1. Chapter 325, Government Code, is amended by
adding Section 325.023 to read as follows:

Sec. 325.023. REVIEW OF PROPOSED LEGISLATION REGULATING AN
OCCUPATION. (a) In this section, "public interest" means
protection from a present and recognizable harm to public health,
safety, or welfare. The term does not include speculative threats,
or other non-demonstrable menaces to public health, safety, or
welfare. For the purposes of this subsection, the term "welfare"
includes the financial health of the public when the absence of
governmental regulation unreasonably increases risk and liability
to broad classes of consumers.

(b) A member of the legislature may submit proposed
legislation that would create an occupational licensing program or
significantly affect an existing occupational licensing program to
the commission for review and analysis. A request under this
section must be submitted not later than December 31 of an
odd-numbered year. The commission's chair may, on the
recommendation of the executive director, deny a request for review
under this section.

(c) If the commission reviews and analyzes legislation

1 proposing the regulation of an occupation, the commission shall
2 submit a report to the legislature before the start of the next
3 legislative session regarding the commission's findings on the need
4 for regulating the occupation and the type of regulation
5 recommended, if any.

6 (d) In analyzing legislation proposing the creation of an
7 occupational licensing program, the commission shall determine
8 whether:

9 (1) the unregulated practice of the occupation would
10 be inconsistent with the public interest;

11 (2) the public can reasonably be expected to benefit
12 from an assurance of initial and continuing professional skill sets
13 or competencies; and

14 (3) the public can be more effectively protected by
15 means other than state regulation.

16 (e) If the commission reviews and analyzes proposed
17 legislation amending an existing occupational licensing program,
18 the commission shall submit a report to the legislature before the
19 start of the next legislative session regarding the commission's
20 findings on the need for the proposed legislation.

21 SECTION 2. This Act takes effect September 1, 2013.