

By: Callegari

H.B. No. 1048

A BILL TO BE ENTITLED

AN ACT

relating to the criteria for review by the Sunset Advisory Commission of an agency that licenses an occupation.

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

SECTION 1. Chapter 325, Government Code, is amended by adding Section 325.0115 to read as follows:

Sec. 325.0115. CRITERIA FOR REVIEW OF CERTAIN AGENCIES.

(a) In this section:

(1) "License" means a license, certificate, registration, permit, or other form of authorization required by law or a state agency rule that must be obtained by an individual to engage in a particular occupation or profession.

(2) "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 subdivision, 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) In an assessment of an agency that licenses an occupation or profession, the commission and its staff shall consider:

(1) whether the occupational licensing program:

1 (A) serves a meaningful, defined public
2 interest; and

3 (B) provides the least restrictive form of
4 regulation that will adequately protect the public interest;

5 (2) the extent to which the regulatory objective of
6 the occupational licensing program may be achieved through market
7 forces, private or industry certification and accreditation
8 programs, or enforcement of other law;

9 (3) the extent to which licensing criteria, if
10 applicable, ensure that applicants have occupational skill sets or
11 competencies that correlate with a public interest and the impact
12 that those criteria have on applicants, particularly those with
13 moderate or low incomes, seeking to enter the occupation or
14 profession; and

15 (4) the impact of the regulation, including the extent
16 to which the program stimulates or restricts competition and
17 affects consumer choice and the cost of services.

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