

By: Carona

S.B. No. 1250

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of an office of regulatory best practices  
3 in the Texas Department of Licensing and Regulation and the  
4 evaluation by the office of proposals by members of the legislature  
5 to regulate occupations.

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

7 SECTION 1. Chapter 51, Occupations Code, is amended by  
8 adding Subchapters J and K to read as follows:

9 SUBCHAPTER J. OFFICE OF REGULATORY BEST PRACTICES

10 Sec. 51.501. DEFINITIONS. In this subchapter:

11 (1) Notwithstanding Section 51.001, "license" means a  
12 license, certificate, registration, permit, or other form of  
13 authorization required by law or state agency rule that an  
14 individual must obtain to engage in an occupation or profession.

15 (2) "Office" means the office of regulatory best  
16 practices in the department.

17 (3) "Regulatory agency" means a state agency that  
18 receives an appropriation under the article of the General  
19 Appropriations Act that makes appropriations to regulatory state  
20 agencies.

21 (4) "Regulatory best practice" means a regulatory  
22 practice or a similar practice employed by a state agency or  
23 business that the office has reviewed, analyzed, and determined  
24 offers, when implemented, a benefit to the public, regulated

1 persons, or the state through cost savings, transparency,  
2 efficiency, or effectiveness.

3 (5) "Regulatory practice" means a practice,  
4 procedure, process, measure, or idea used by a regulatory agency  
5 relating to the operation or management of the regulatory agency's  
6 functions, including issuance of licenses, enforcement, network  
7 services, human resources, or customer service.

8 Sec. 51.502. OFFICE ESTABLISHED. The department shall  
9 establish, maintain, and administer the office of regulatory best  
10 practices.

11 Sec. 51.503. DUTIES OF OFFICE. The office shall:

12 (1) operate the clearinghouse under Section 51.504;

13 (2) collect, review, and analyze regulatory practices  
14 to determine if they are regulatory best practices;

15 (3) identify innovative, efficient, and cost-saving  
16 practices and procedures used at state agencies and businesses and  
17 determine if they are regulatory best practices;

18 (4) identify practices that reduce regulatory  
19 burdens, improve services to the public, and improve consumer  
20 protection and determine if they are regulatory best practices;

21 (5) foster collaboration among regulatory agencies  
22 through an electronic interface through which regulatory agencies  
23 can access the office's findings, submit regulatory practices for  
24 consideration by the office, and report the use of regulatory  
25 agencies' best practices and results; and

26 (6) review and analyze proposals by members of the  
27 legislature under Subchapter K.



1 51.501.

2 Sec. 51.552. SUBMISSION OF PROPOSAL BY MEMBER OF THE  
3 LEGISLATURE. (a) Not later than January 1 of the even-numbered  
4 year preceding a regular legislative session, a member of the  
5 legislature may submit to the office a written proposal to:

6 (1) impose a statewide licensing requirement or other  
7 regulation on an occupation or profession that is currently  
8 unregulated by the state; or

9 (2) increase the regulatory requirements imposed on an  
10 occupation or profession that is currently regulated statewide.

11 (b) A written proposal under Subsection (a) must include:

12 (1) a description of the occupation or profession  
13 subject to the proposed regulation, including a list of  
14 associations, organizations, or other groups representing persons  
15 who practice the occupation or profession in this state and an  
16 estimate of the number of members of each association,  
17 organization, or group;

18 (2) a statement of the problem or problems addressed  
19 by the proposed regulation;

20 (3) a description of the proposed licensing  
21 requirement or regulation;

22 (4) a statement of support for the proposed regulation  
23 signed by at least:

24 (A) 25 individuals who are members of an  
25 association, organization, or group described by Subdivision (1);

26 or

27 (B) 25 individuals who are not members of an

1 association, organization, or group described by Subdivision (1);

2 (5) a statement of the reasons why the license  
3 requirement or other type of regulation is proposed and not another  
4 type of regulatory requirement; and

5 (6) a statement of the expected benefit to the public  
6 that will result from the proposed regulation.

7 Sec. 51.553. EVALUATION AND REPORT BY OFFICE. (a) Except as  
8 provided by Subsection (b), the office shall evaluate each proposal  
9 submitted under Section 51.552 and issue a report outlining the  
10 anticipated costs and benefits to the state, including impacts to  
11 public health, safety, and welfare. When evaluating a proposal to  
12 regulate an occupation or profession that is not currently  
13 regulated, the office shall consider the factors under Chapter 318,  
14 Government Code, any factors the executive director recommends, and  
15 any reports or findings by the attorney general regarding the  
16 occupation or profession.

17 (b) Instead of evaluating a proposal and issuing a new  
18 report, the office may reissue an existing report described by this  
19 subsection in response to a proposal under Section 51.552 if the  
20 office:

21 (1) previously evaluated a proposal to regulate the  
22 occupation or profession that is the subject of the current  
23 proposal;

24 (2) issued a report under Subsection (a) or reissued a  
25 report under this subsection in connection with the proposal  
26 described by Subdivision (1) not more than 36 months before the date  
27 the current proposal was submitted; and

1           (3) finds that the current proposal contains no new or  
2 additional information that would cause the office to alter or  
3 modify the report described by Subdivision (2).

4           (c) Not later than October 15 of the year in which a proposal  
5 is due under Section 51.552(a), the office shall issue or reissue a  
6 report on the proposal under Subsection (a) or (b) to the member of  
7 the legislature who submitted the proposal, the speaker of the  
8 house of representatives, the lieutenant governor, and the  
9 governor.

10           (d) Only a report issued or reissued under this section not  
11 more than four years before the date a bill is introduced or an  
12 amendment is offered satisfies the requirement of an evaluation and  
13 report for purposes of Section 30a, Article III, Texas  
14 Constitution.

15           SECTION 2. Not later than March 31, 2014, the Texas  
16 Commission of Licensing and Regulation shall adopt any rules  
17 necessary to implement the changes in law made by this Act.

18           SECTION 3. Section 51.553(d), Occupations Code, as added by  
19 this Act, takes effect on the date on which the constitutional  
20 amendment proposed by the 83rd Legislature, Regular Session, 2013,  
21 to require a member of the legislature to obtain and file a report  
22 on the costs and benefits of a bill or amendment to impose or  
23 increase an occupational regulation takes effect. If that amendment  
24 is not approved by the voters, that subsection has no effect.

25           SECTION 4. Except as otherwise provided by this Act, this  
26 Act takes effect September 1, 2013.