

By: Fletcher

H.B. No. 4089

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a pilot project for complaints filed with certain state  
3 boards or agencies.

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

5 SECTION 1. Subchapter B, Chapter 154, Occupations Code, is  
6 amended by adding Section 154.059 to read as follows:

7 Sec. 154.059. DISMISSAL OF CERTAIN COMPLAINTS. (a)  
8 Notwithstanding any other law, the board shall dismiss, with  
9 prejudice for want of prosecution, a complaint filed with the board  
10 against a license holder if:

11 (1) the complaint is pending with the board and has not  
12 been referred to the State Office of Administrative Hearings;

13 (2) the license holder files a motion to dismiss the  
14 complaint with the board; and

15 (3) the complaint was filed with the board more than 12  
16 months before the date the motion to dismiss the complaint was  
17 filed.

18 (b) Not later than December 31, 2016, the board shall submit  
19 a report to the governor, lieutenant governor, and speaker of the  
20 house of representatives that contains:

21 (1) the number and types of complaints dismissed under  
22 this section; and

23 (2) the amount of time each complaint was pending with  
24 the board before the complaint was dismissed.

1        (c) This subsection and Subsection (a) expire August 31,  
2 2016.

3        (d) This subsection and Subsection (b) expire January 1,  
4 2017.

5        SECTION 2. Subchapter F, Chapter 1001, Occupations Code, is  
6 amended by adding Section 1001.256 to read as follows:

7        Sec. 1001.256. DISMISSAL OF CERTAIN COMPLAINTS. (a)  
8 Notwithstanding any other law, the board shall dismiss, with  
9 prejudice for want of prosecution, a complaint filed with the board  
10 against a license holder if:

11                (1) the complaint is pending with the board and has not  
12 been referred to the State Office of Administrative Hearings;

13                (2) the license holder files a motion to dismiss the  
14 complaint with the board; and

15                (3) the complaint was filed with the board more than 12  
16 months before the date the motion to dismiss the complaint was  
17 filed.

18        (b) Not later than December 31, 2016, the board shall submit  
19 a report to the governor, lieutenant governor, and speaker of the  
20 house of representatives that contains:

21                (1) the number and types of complaints dismissed under  
22 this section; and

23                (2) the amount of time each complaint was pending with  
24 the board before the complaint was dismissed.

25        (c) This subsection and Subsection (a) expire August 31,  
26 2016.

27        (d) This subsection and Subsection (b) expire January 1,

1 2017.

2           SECTION 3. The changes in law made by this Act apply to a  
3 complaint filed with a state agency that is pending on the effective  
4 date of this Act.

5           SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2015.