

Amend CSSB 2065 (house committee report) by adding the following appropriately numbered ARTICLES to the bill and renumbering subsequent ARTICLES of the bill accordingly:

ARTICLE \_\_\_\_ . REPORT ON OCCUPATIONAL LICENSING BY COMPTROLLER

SECTION \_\_\_\_ .01. Subchapter B, Chapter 403, Government Code, is amended by adding Section 403.03058 to read as follows:

Sec. 403.03058. REPORT ON OCCUPATIONAL LICENSING. (a) Not later than December 31 of each even-numbered year, the comptroller shall prepare and submit to the legislature a report regarding all occupational licenses, including permits, certifications, and registrations, required by this state. The report must include:

(1) for each type of license:

(A) a description of the license;

(B) the department with regulatory authority for the license;

(C) the number of active licenses;

(D) the cost of an initial application for the license and for a renewal of the license; and

(E) the amount of state revenue generated from the issuance and renewal of the license; and

(2) a list of all statutory provisions requiring a license that were abolished during the previous legislative session.

(b) The comptroller shall post on its Internet website the report prepared under Subsection (a).

SECTION \_\_\_\_ .02. Not later than December 31, 2018, the comptroller of public accounts shall provide the initial report to the legislature as required by Section 403.03058, Government Code, as added by this article.

ARTICLE \_\_\_\_ . CERTIFICATE OF AUTHORITY; OVER-THE-COUNTER SALE OF  
EPHEDRINE, PSEUDOEPHEDRINE, AND NORPSEUDOEPHEDRINE BY  
ESTABLISHMENTS OTHER THAN PHARMACIES

SECTION \_\_\_\_ .01. Sections 486.004(a) and (b), Health and Safety Code, are amended to read as follows:

(a) The department shall collect fees for[+]

~~[(1) the issuance of a certificate of authority under this chapter; and~~

~~[(2)]~~ an inspection performed in enforcing this chapter and rules adopted under this chapter.

(b) The executive commissioner by rule shall set the fees in amounts that allow the department to recover the biennial expenditures of state funds by the department in[+]

~~[(1) reviewing applications for the issuance of a certificate of authority under this chapter;~~

~~[(2) issuing certificates of authority under this chapter;~~

~~[(3) inspecting and auditing a business establishment that is issued a certificate of authority under this chapter; and~~

~~[(4) otherwise]~~ implementing and enforcing this chapter.

SECTION \_\_\_\_ .02. Section 486.0142(b), Health and Safety Code, is amended to read as follows:

(b) On application by a business establishment that engages in over-the-counter sales of products containing ephedrine, pseudoephedrine, or norpseudoephedrine [~~in accordance with a certificate of authority issued under Section 486.012~~], the department may grant that business establishment a temporary exemption, not to exceed 180 days, from the requirement of using a real-time electronic logging system under this chapter.

SECTION \_\_\_\_ .03. Section 486.012, Health and Safety Code, is repealed.

ARTICLE \_\_\_\_ . TITLE ATTORNEY LICENSE; ATTORNEY'S TITLE INSURANCE  
COMPANY

SECTION \_\_\_\_ .01. Section 35.001(2), Insurance Code, is amended to read as follows:

(2) "Regulated entity" means each insurer, organization, person, or program regulated by the department, including:

(A) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(B) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(C) a Mexican casualty company;

(D) a domestic or foreign Lloyd's plan;

(E) a domestic or foreign reciprocal or interinsurance exchange;

(F) a domestic or foreign fraternal benefit society;

(G) a domestic or foreign title insurance company;

(H) [~~an attorney's title insurance company,~~

~~(I)~~] a stipulated premium company;

(I) [~~(J)~~] a nonprofit legal service corporation;

(J) [~~(K)~~] a health maintenance organization;

(K) [~~(L)~~] a statewide mutual assessment company;

(L) [~~(M)~~] a local mutual aid association;

(M) [~~(N)~~] a local mutual burial association;

(N) [~~(O)~~] an association exempt under Section 887.102;

(O) [~~(P)~~] a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(P) [~~(Q)~~] a county mutual insurance company;

(Q) [~~(R)~~] a farm mutual insurance company; and

(R) [~~(S)~~] an agency or agent of an insurer, organization, person, or program described by this subdivision.

SECTION \_\_\_\_ .02. Section 82.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) [~~an attorney's title insurance company,~~

- ~~[(9)]~~ a stipulated premium insurance company;
- (9) ~~[(10)]~~ a nonprofit legal service corporation;
- (10) ~~[(11)]~~ a health maintenance organization;
- (11) ~~[(12)]~~ a statewide mutual assessment company;
- (12) ~~[(13)]~~ a local mutual aid association;
- (13) ~~[(14)]~~ a local mutual burial association;
- (14) ~~[(15)]~~ an association exempt under Section

887.102;

(15) ~~[(16)]~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(16) ~~[(17)]~~ a county mutual insurance company; and

(17) ~~[(18)]~~ a farm mutual insurance company.

SECTION \_\_\_\_ .03. Section 83.002(a), Insurance Code, is amended to read as follows:

(a) This chapter applies to each company regulated by the commissioner, including:

(1) a domestic or foreign, stock or mutual, life, health, or accident insurance company;

(2) a domestic or foreign, stock or mutual, fire or casualty insurance company;

(3) a Mexican casualty company;

(4) a domestic or foreign Lloyd's plan insurer;

(5) a domestic or foreign reciprocal or interinsurance exchange;

(6) a domestic or foreign fraternal benefit society;

(7) a domestic or foreign title insurance company;

(8) ~~[an attorney's title insurance company;~~

~~[(9)]~~ a stipulated premium insurance company;

(9) ~~[(10)]~~ a nonprofit legal service corporation;

(10) ~~[(11)]~~ a statewide mutual assessment company;

(11) ~~[(12)]~~ a local mutual aid association;

(12) ~~[(13)]~~ a local mutual burial association;

(13) ~~[(14)]~~ an association exempt under Section 887.102;

(14) ~~[(15)]~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;

(15) ~~[(16)]~~ a county mutual insurance company; and

(16) [~~(17)~~] a farm mutual insurance company.

SECTION \_\_\_\_ .04. Section 554.001, Insurance Code, is amended to read as follows:

Sec. 554.001. APPLICABILITY OF CHAPTER. This chapter applies to each insurer or health maintenance organization engaged in the business of insurance or the business of a health maintenance organization in this state, regardless of form and however organized, including:

(1) a stock life, health, or accident insurance company;

(2) a mutual life, health, or accident insurance company;

(3) a stock fire or casualty insurance company;

(4) a mutual fire or casualty insurance company;

(5) a Mexican casualty insurance company;

(6) a Lloyd's plan;

(7) a reciprocal or interinsurance exchange;

(8) a fraternal benefit society;

(9) a title insurance company;

(10) [~~an attorney's title insurance company,~~

~~(11)] a stipulated premium company;~~

(11) [~~(12)~~] a nonprofit legal services corporation;

(12) [~~(13)~~] a statewide mutual assessment company;

(13) [~~(14)~~] a local mutual aid association;

(14) [~~(15)~~] a local mutual burial association;

(15) [~~(16)~~] an association exempt under Section 887.102;

(16) [~~(17)~~] a nonprofit hospital, medical, or dental service corporation, including a corporation subject to Chapter 842;

(17) [~~(18)~~] a county mutual insurance company;

(18) [~~(19)~~] a farm mutual insurance company; and

(19) [~~(20)~~] an insurer or health maintenance organization engaged in the business of insurance or the business of a health maintenance organization in this state that does not hold a certificate of authority issued by the department or is not otherwise authorized to engage in business in this state.

SECTION \_\_\_\_ .05. Section 703.001, Insurance Code, is amended to read as follows:

Sec. 703.001. DEFINITION. In this chapter, "covered entity" means a health maintenance organization or insurer regulated by the department, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;
- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty insurance company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;
- (10) ~~[an attorney's title insurance company];~~
- (11) ~~[(11)] a stipulated premium company;~~
- (12) ~~[(12)] a nonprofit legal services corporation;~~
- (13) ~~[(13)] a statewide mutual assessment company;~~
- (14) ~~[(14)] a local mutual aid association;~~
- (15) ~~[(15)] a local mutual burial association;~~
- (16) ~~[(16)] an association exempt under Section 887.102;~~
- (17) ~~[(17)] a nonprofit hospital, medical, or dental service corporation, including a corporation subject to Chapter 842;~~
- (18) ~~[(18)] a county mutual insurance company; and~~
- (19) ~~[(19)] a farm mutual insurance company.~~

SECTION \_\_\_\_ .06. Section 802.051, Insurance Code, is amended to read as follows:

Sec. 802.051. APPLICABILITY OF SUBCHAPTER. This subchapter applies to each company regulated by the commissioner, including:

- (1) a stock life, health, or accident insurance company;
- (2) a mutual life, health, or accident insurance company;

- (3) a stock fire or casualty insurance company;
- (4) a mutual fire or casualty insurance company;
- (5) a Mexican casualty company;
- (6) a Lloyd's plan;
- (7) a reciprocal or interinsurance exchange;
- (8) a fraternal benefit society;
- (9) a title insurance company;
- (10) ~~[an attorney's title insurance company,~~
- [11] ~~[11]~~ a stipulated premium insurance company;
- [12] ~~[12]~~ a nonprofit legal service corporation;
- [13] ~~[13]~~ a health maintenance organization;
- [14] ~~[14]~~ a statewide mutual assessment company;
- [15] ~~[15]~~ a local mutual aid association;
- [16] ~~[16]~~ a local mutual burial association;
- [17] ~~[17]~~ an association exempt under Section 887.102;
- [18] ~~[18]~~ a nonprofit hospital, medical, or dental service corporation, including a company subject to Chapter 842;
- [19] ~~[19]~~ a county mutual insurance company; and
- [20] ~~[20]~~ a farm mutual insurance company.

SECTION \_\_\_\_ .07. Section 2551.053(a), Insurance Code, is amended to read as follows:

(a) A ~~[Except as provided by Section 2552.053(b), a]~~ title insurance company must have a paid-up capital of at least \$1 million and a surplus of at least \$1 million.

SECTION \_\_\_\_ .08. Section 2602.003(2), Insurance Code, is amended to read as follows:

- (2) "Agent" includes:
  - (A) a title insurance agent, as defined by Section 2501.003; and
  - (B) ~~[a title attorney, as defined by Section 2552.002, and~~
  - ~~[C]~~ a direct operation or a title insurance company's wholly owned subsidiary or affiliate that performs the services usually and customarily performed by a title insurance agent.

SECTION \_\_\_\_ .09. Chapter 2552, Insurance Code, is repealed.

SECTION \_\_\_\_ .10. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE \_\_\_\_ . EMERGENCY MANAGING GENERAL AGENT LICENSE

SECTION \_\_\_\_ .01. Section 4053.052, Insurance Code, is repealed.

SECTION \_\_\_\_ .02. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE \_\_\_\_ . BINGO UNIT MANAGER LICENSE

SECTION \_\_\_\_ .01. Section 2001.431(4), Occupations Code, is amended to read as follows:

(4) "Unit manager" means an individual who is [~~licensed under this subchapter to be~~] responsible for the revenues, authorized expenses, and inventory of a unit.

SECTION \_\_\_\_ .02. The heading to Section 2001.437, Occupations Code, is amended to read as follows:

Sec. 2001.437. UNIT MANAGER [~~, LICENSE~~].

SECTION \_\_\_\_ .03. Section 2001.437(c), Occupations Code, is amended to read as follows:

(c) [~~A person may not provide services as a unit manager to licensed authorized organizations that form a unit unless the person holds a unit manager license under this subchapter.~~] A person designated as an agent under Section 2001.438(b) is not a unit manager on account of that designation for purposes of this section.

SECTION \_\_\_\_ .04. Sections 2001.437(d), (e), (f), and (g), Occupations Code, are repealed.

SECTION \_\_\_\_ .05. The changes in law made by this article do not affect the right of any individual licensed before the effective date of this Act to engage in the applicable occupation for the remainder of the term for which the license was issued.

ARTICLE \_\_\_\_ . AGRICULTURAL, INDUSTRIAL, AND WILDLIFE CONTROL

FIREWORKS PERMIT

SECTION \_\_\_\_ .01. Section 2154.152(a), Occupations Code, is



amended to read as follows:

(a) A person must be a licensed distributor if the person:

(1) imports into this state or stores, possesses, and sells Fireworks 1.3G to a licensed pyrotechnic operator or distributor or to a single public display or~~[7]~~ multiple public display~~[, or agricultural, industrial, and wildlife control fireworks]~~ permit holder; or

(2) imports or stores, possesses, and sells Fireworks 1.4G to a licensed jobber, retailer, or distributor in this state.

SECTION \_\_\_\_\_.02. Section 2154.251(b), Occupations Code, is amended to read as follows:

(b) A person may not manufacture, distribute, sell, or use fireworks in a public fireworks display ~~[or for agricultural, industrial, or wildlife control purposes]~~ without an appropriate license or permit. Fireworks manufactured, distributed, sold, or used without an appropriate license or permit are illegal fireworks.

SECTION \_\_\_\_\_.03. Section 2154.203, Occupations Code, is repealed.