

BILL ANALYSIS

C.S.H.B. 3309
By: Kuempel
Business & Industry
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties believe that state level regulation of temporary common worker employers is unnecessary. C.S.H.B. 3309 seeks to revise provisions regulating such employers.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 3309 repeals Labor Code provisions relating to a temporary common worker employer license and requiring the Texas Department of Licensing and Regulation (TDLR) and the Texas Commission of Licensing and Regulation to exercise related regulatory, administrative, and licensing authority. The bill amends the Labor Code to instead authorize a governmental subdivision to enforce statutory provisions relating to temporary common worker employers within the boundaries of the governmental subdivision and to reflect that authorization and the repeal of TDLR and commission regulation of temporary common worker employers and of certain licensing requirements for such employers. The bill authorizes a person to operate as a temporary common worker employer in Texas if the person meets the applicable statutory requirements, subject to certain municipal requirements and unless prohibited by a governmental subdivision.

C.S.H.B. 3309 dismisses an administrative proceeding pending on the bill's effective date related to a violation of statutory provisions governing temporary common worker employers and authorizes an administrative penalty assessed by the commission or the executive director of TDLR related to such a violation, as those provisions existed immediately before the bill's effective date, to be collected as provided by Occupations Code provisions governing TDLR.

C.S.H.B. 3309 repeals the following provisions of the Labor Code:

- Sections 92.002(1), (4), and (4-a)
- Section 92.003
- Section 92.004
- Section 92.011

- Section 92.013(a)
- Section 92.014
- Section 92.015
- Section 92.023(a)

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 3309 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED	HOUSE COMMITTEE SUBSTITUTE
SECTION 1. Section 92.001(a), Labor Code, is amended.	SECTION 1. Same as introduced version.
SECTION 2. Section 92.002, Labor Code, is amended.	SECTION 2. Same as introduced version.
SECTION 3. The heading to Subchapter B, Chapter 92, Labor Code, is amended.	SECTION 3. Same as introduced version.
SECTION 4. Subchapter B, Chapter 92, Labor Code, is amended.	SECTION 4. Same as introduced version.
SECTION 5. The heading to Section 92.012, Labor Code, is amended.	SECTION 5. Same as introduced version.
SECTION 6. Section 92.013(b), Labor Code, is amended.	SECTION 6. Same as introduced version.
SECTION 7. The heading to Subchapter C, Chapter 92, Labor Code, is amended.	SECTION 7. Same as introduced version.
SECTION 8. Section 92.021, Labor Code, is amended.	SECTION 8. Same as introduced version.
SECTION 9. Section 92.022, Labor Code, is amended.	SECTION 9. Same as introduced version.

SECTION 10. Section 92.023(b), Labor Code, is amended.

SECTION 10. Same as introduced version.

SECTION 11. Section 92.024, Labor Code, is amended.

SECTION 11. Same as introduced version.

SECTION 12. Section 92.025, Labor Code, is amended.

SECTION 12. Same as introduced version.

SECTION 13. Chapter 92, Labor Code, is amended.

SECTION 13. Same as introduced version.

SECTION 14. The following provisions of the Labor Code are repealed:

SECTION 14. Same as introduced version.

- (1) Sections 92.002(1), (4), and (4-a);
- (2) Section 92.003;
- (3) Section 92.004;
- (4) Section 92.011;
- (5) Section 92.013(a);
- (6) Section 92.014;
- (7) Section 92.015; and
- (8) Section 92.023(a).

SECTION 15. (a) An administrative proceeding pending under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on the effective date of this Act related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

SECTION 15. (a) An administrative proceeding pending under Chapter 51, Occupations Code, or Chapter 92, Labor Code, on the effective date of this Act related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, is dismissed.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(b) An administrative penalty assessed by the Texas Commission of Licensing and Regulation or the executive director of the Texas Department of Licensing and Regulation related to a violation of Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, may be collected as provided by Chapter 51, Occupations Code.

(c) The changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an

(c) The changes in law made by this Act do not affect the pending prosecution of an offense under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act. An offense committed before the effective date of this Act is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For purposes of this subsection, an

offense was committed before the effective date of this Act if any element of the offense was committed before that date.

(d) The Texas Department of Licensing and Regulation shall return to a person who holds a valid license under Chapter 92, Labor Code, as that chapter existed immediately before the effective date of this Act, a prorated portion of the fee paid to the department for the issuance or renewal of the license.

SECTION 16. This Act takes effect September 1, 2017.

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SECTION 16. Same as introduced version.