

Amend CSSB 1995 (senate committee report) as follows:

(1) In SECTION 4 of the bill, in added Section 57.103(a)(2), Occupations Code (page 1, lines 54-55), strike "to serve at the pleasure of the governor" and substitute "with the advice and consent of the senate".

(2) In SECTION 4 of the bill, in added Section 57.103, Occupations Code (page 1, between lines 57 and 58), insert new subsection (c) to read as follows:

(c) The director serves a two-year term expiring February 1 of each odd-numbered year.

(3) In SECTION 4 of the bill, in added Subchapter C, Chapter 57, Occupations Code (page 1, between lines 57 and 58, insert the following appropriately numbered section and renumber the subsequent sections accordingly:

Sec. 57.104. CONFLICT OF INTEREST. (a) In this section, "Texas trade association" means a cooperative and voluntarily joined statewide association of business or professional competitors in this state designed to assist its members and its industry or profession in dealing with mutual business or professional problems and in promoting their common interest.

(b) A person may not be appointed as director or employed by the division in a "bona fide executive, administrative, or professional capacity," as that phrase is used for purposes of establishing an exemption to the overtime provisions of the federal Fair Labor Standards Act of 1938 (29 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

(1) the person is an officer, employee, or paid consultant of a Texas trade association; or

(2) the person's spouse is an officer, manager, or paid consultant of a Texas trade association.

(c) A person may not be appointed as director or act as the general counsel to the division if the person is required to register as a lobbyist under Chapter 305, Government Code.

(4) In SECTION 4 of the bill, in added Section 57.105, Occupations Code (page 2, between lines 53 and 54), insert a new subsection (g) to read as follows:

(g) When conducting a review of a proposed rule or deciding whether to initiate a review, the division shall only consider evidence or communications that are:

(1) submitted to the division in writing from an identified person or entity and made available to the public;

(2) submitted in a public hearing; or

(3) generally known to the public.