By:  Zaffirini S.B. No. 1931

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Texas Commission on Environmental Quality to conduct background checks.

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

SECTION 1.  Section 411.122(d), Government Code, is amended to read as follows:

(d)  The following state agencies are subject to this section:

(1)  Texas Appraiser Licensing and Certification Board;

(2)  Texas Board of Architectural Examiners;

(3)  Texas Board of Chiropractic Examiners;

(4)  State Board of Dental Examiners;

(5)  Texas Board of Professional Engineers;

(6)  Texas Funeral Service Commission;

(7)  Texas Board of Professional Geoscientists;

(8)  Department of State Health Services, except as provided by Section 411.110, and agencies attached to the department, including:

(A)  Texas State Board of Examiners of Marriage and Family Therapists;

(B)  Texas State Board of Examiners of Professional Counselors; and

(C)  Texas State Board of Social Worker Examiners;

(9)  Texas Board of Professional Land Surveying;

(10)  Texas Department of Licensing and Regulation, except as provided by Section 411.093;

(11)  [~~Texas Commission on Environmental Quality;~~

[~~(12)~~]  Texas Board of Occupational Therapy Examiners;

(12) [~~(13)~~]  Texas Optometry Board;

(13) [~~(14)~~]  Texas State Board of Pharmacy;

(14) [~~(15)~~]  Texas Board of Physical Therapy Examiners;

(15) [~~(16)~~]  Texas State Board of Plumbing Examiners;

(16) [~~(17)~~]  Texas State Board of Podiatric Medical Examiners;

(17) [~~(18)~~]  Texas State Board of Examiners of Psychologists;

(18) [~~(19)~~]  Texas Real Estate Commission;

(19) [~~(20)~~]  Texas Department of Transportation;

(20) [~~(21)~~]  State Board of Veterinary Medical Examiners;

(21) [~~(22)~~]  Texas Department of Housing and Community Affairs;

(22) [~~(23)~~]  secretary of state;

(23) [~~(24)~~]  state fire marshal;

(24) [~~(25)~~]  Texas Education Agency;

(25) [~~(26)~~]  Department of Agriculture; and

(26) [~~(27)~~]  Texas Department of Motor Vehicles.

SECTION 2.  Subchapter F, Chapter 411, Government Code, is amended by adding Section 411.1221 to read as follows:

Sec. 411.1221.  ACCESS TO CRIMINAL HISTORY RECORD INFORMATION: TEXAS COMMISSION ON ENVIRONMENTAL QUALITY. (a)  In this section:

(1)  "Commission" means the Texas Commission on Environmental Quality.

(2)  "Person" does not include a governmental entity.

(b)  The commission is entitled to obtain from the department criminal history record information maintained by the department that relates to a person who:

(1)  is an applicant for:

(A)  an occupational license from the commission; or

(B)  a permit described by Subsection (c) from the commission;

(2)  is the holder of:

(A)  an occupational license from the commission; or

(B)  a permit described by Subsection (c) from the commission; or

(3)  requests a determination of eligibility for:

(A)  an occupational license from the commission; or

(B)  a permit described by Subsection (c) from the commission.

(c)  Subsections (b)(1)(B), (b)(2)(B), and (b)(3)(B) apply to permits issued by the commission under:

(1)  Chapters 361, 382, and 401, Health and Safety Code; and

(2)  Chapters 26 and 27, Water Code.

(d)  If the person described by Subsection (b) is not an individual, the commission is entitled to obtain from the department criminal history record information maintained by the department that relates to any individual who owns an interest in or exercises control over the person described by Subsection (b).

SECTION 3.  Subchapter D, Chapter 5, Water Code, is amended by adding Section 5.1021 to read as follows:

Sec. 5.1021.  BACKGROUND CHECKS. (a)  In evaluating an application for the issuance or renewal of, or a request for a determination of eligibility for, a permit described by Subsection (b), the commission may:

(1)  obtain the criminal history record information of the applicant or requestor, or of any individual who owns an interest in or exercises control over the applicant or requestor, as described by Section 411.1221, Government Code; and

(2)  conduct a business background check of the applicant or requestor, or of any individual who owns an interest in or exercises control over the applicant or requestor.

(b)  Except as provided by Subsection (c), Subsection (a) applies to permits issued by the commission under:

(1)  Chapters 361, 382, and 401, Health and Safety Code; and

(2)  Chapters 26 and 27 of this code.

(c)  This section does not apply to applications or requests by governmental entities.

(d)  This section may not be construed or applied in a manner that interferes with the authority of the Commission to carry out criminal background checks pursuant to Chapter 53, Texas Occupations Code, within the Commission's occupational licensing programs as described in Chapter 37, Texas Water Code.

(e)  The commission may adopt rules to implement this section.

SECTION 4.  The changes in law made by this Act apply only to an application for the issuance or renewal of, or a request for a determination of eligibility for, a permit submitted to the Texas Commission on Environmental Quality on or after the effective date of this Act. An application or request submitted before the effective date of this Act is governed by the law in effect on the date the application or request was submitted, and the former law is continued in effect for that purpose.

SECTION 5.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.