

1-1 By: Hancock, Hall S.B. No. 1209
1-2 (In the Senate - Filed February 27, 2019; March 7, 2019,
1-3 read first time and referred to Committee on State Affairs;
1-4 April 8, 2019, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 8, 2019,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hughes	X		
1-11	Birdwell	X		
1-12	Creighton	X		
1-13	Fallon	X		
1-14	Hall	X		
1-15	Lucio	X		
1-16	Nelson	X		
1-17	Zaffirini	X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 1209 By: Nelson

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the authority of a political subdivision to regulate
1-22 certain activities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Title 2, Occupations Code, is amended by adding
1-25 Chapter 60 to read as follows:

1-26 CHAPTER 60. PREEMPTION

1-27 Sec. 60.001. PREEMPTION OF LOCAL LICENSING REQUIREMENTS.

1-28 (a) In this section:

1-29 (1) "Occupational license" means a license, permit,
1-30 registration, certificate, or other authorization that is:

1-31 (A) issued by a licensing authority; and

1-32 (B) required by an ordinance, rule, regulation,
1-33 policy, or law for an individual to engage in an occupation.

1-34 (2) "Political subdivision" means a county,
1-35 municipality, special district, or other political subdivision of
1-36 this state.

1-37 (3) "State licensing authority" means a state agency,
1-38 department, board, or commission or the executive or administrative
1-39 officer of a state agency, department, board, or commission that
1-40 issues an occupational license.

1-41 (b) Notwithstanding any other law, other than Subsection
1-42 (d), if an individual is required to possess an occupational
1-43 license issued by a state licensing authority to engage in an
1-44 occupation, a political subdivision may not adopt or enforce any
1-45 ordinance, order, rule, regulation, law, or policy that requires
1-46 the individual to:

1-47 (1) possess an occupational license issued by the
1-48 political subdivision to engage in that occupation; or

1-49 (2) meet any other requirement or precondition to
1-50 engage in that occupation.

1-51 (c) An ordinance, order, rule, regulation, law, or policy
1-52 that violates Subsection (b) is void and unenforceable.

1-53 (d) This section does not limit the authority of a political
1-54 subdivision to adopt and enforce:

1-55 (1) a zoning regulation, including a zoning regulation
1-56 or zoning district boundary adopted under Chapter 211 or 231, Local
1-57 Government Code;

1-58 (2) a restriction on the location where an occupation
1-59 may be engaged in, including a restriction on the location of a
1-60 sexually oriented business or a business licensed or permitted

2-1 under the Alcoholic Beverage Code to sell an alcoholic beverage; or
2-2 (3) an ordinance, order, rule, regulation, law, or
2-3 policy that regulates a credit access business, as defined by
2-4 Section 393.601, Finance Code.

2-5 SECTION 2. This Act takes effect September 1, 2019.

2-6 * * * * *