

By: Zaffirini

S.B. No. 1931

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the authority of the Texas Commission on Environmental
3 Quality to conduct background checks.

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

5 SECTION 1. Section [411.122\(d\)](#), Government Code, is amended
6 to read as follows:

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

9 (1) Texas Appraiser Licensing and Certification
10 Board;

11 (2) Texas Board of Architectural Examiners;

12 (3) Texas Board of Chiropractic Examiners;

13 (4) State Board of Dental Examiners;

14 (5) Texas Board of Professional Engineers;

15 (6) Texas Funeral Service Commission;

16 (7) Texas Board of Professional Geoscientists;

17 (8) Department of State Health Services, except as
18 provided by Section [411.110](#), and agencies attached to the
19 department, including:

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

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

24 (C) Texas State Board of Social Worker Examiners;

- 1 (9) Texas Board of Professional Land Surveying;
- 2 (10) Texas Department of Licensing and Regulation,
- 3 except as provided by Section [411.093](#);
- 4 (11) ~~[Texas Commission on Environmental Quality,~~
- 5 ~~(12)]~~ Texas Board of Occupational Therapy Examiners;
- 6 (12) ~~(13)]~~ Texas Optometry Board;
- 7 (13) ~~(14)]~~ Texas State Board of Pharmacy;
- 8 (14) ~~(15)]~~ Texas Board of Physical Therapy
- 9 Examiners;
- 10 (15) ~~(16)]~~ Texas State Board of Plumbing Examiners;
- 11 (16) ~~(17)]~~ Texas State Board of Podiatric Medical
- 12 Examiners;
- 13 (17) ~~(18)]~~ Texas State Board of Examiners of
- 14 Psychologists;
- 15 (18) ~~(19)]~~ Texas Real Estate Commission;
- 16 (19) ~~(20)]~~ Texas Department of Transportation;
- 17 (20) ~~(21)]~~ State Board of Veterinary Medical
- 18 Examiners;
- 19 (21) ~~(22)]~~ Texas Department of Housing and Community
- 20 Affairs;
- 21 (22) ~~(23)]~~ secretary of state;
- 22 (23) ~~(24)]~~ state fire marshal;
- 23 (24) ~~(25)]~~ Texas Education Agency;
- 24 (25) ~~(26)]~~ Department of Agriculture; and
- 25 (26) ~~(27)]~~ Texas Department of Motor Vehicles.

26 SECTION 2. Subchapter F, Chapter [411](#), Government Code, is

27 amended by adding Section 411.1221 to read as follows:

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

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

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

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

10 (1) is an applicant for:

11 (A) an occupational license from the commission;

12 or

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

15 (2) is the holder of:

16 (A) an occupational license from the commission;

17 or

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

20 (3) requests a determination of eligibility for:

21 (A) an occupational license from the commission;

22 or

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

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

27 (1) Chapters 361, 382, and 401, Health and Safety

1 Code; and

2 (2) Chapters 26 and 27, Water Code.

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

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

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

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

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

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

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

25 (2) Chapters 26 and 27 of this code.

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

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

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

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

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