

BILL ANALYSIS

H.B. 3743
By: Goldman
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

State law governing the operations of the Texas Department of Licensing and Regulation (TDLR) is in need of certain clarifications and updates, especially with respect to the adoption of fees for the operation of certain programs and to the agency's sunset date. H.B. 3743 seeks to make statutory updates to expand the scope of TDLR's fee-setting authority and clarify that TDLR has a 2033 sunset date, among other provisions.

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 rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation in SECTION 3 of this bill.

ANALYSIS

H.B. 3743 reenacts and amends Section 51.002, Occupations Code, as amended by Chapters 663 (H.B. 1560) and 850 (S.B. 713), Acts of the 87th Legislature, Regular Session, 2021, to conform to the changes made by H.B. 1560 with respect to the date on which the Texas Commission of Licensing and Regulation (TCLR) and the Texas Department of Licensing and Regulation (TDLR) are set to be abolished unless continued as provided by the Texas Sunset Act. That date is September 1, 2033, rather than September 1, 2023, as provided by S.B. 713.

H.B. 3743 amends the Occupations Code to expand the scope of TCLR's fee-setting authority by authorizing TCLR to set fees in amounts reasonable and necessary to cover the costs of administering any program or activity administered by TDLR and removing the limitation that fees be set only for programs or activities administered by TDLR for which a fee is otherwise authorized.

H.B. 3743 replaces the authorization for TDLR to satisfy any applicable requirement to provide notice by delivering the notice to the recipient's last known email address if the recipient has previously authorized TDLR to deliver the notice by email with an authorization for TCLR by rule to require an applicant, license holder, or other person who regularly receives correspondence from TDLR to provide an email address to TDLR for purposes of receiving correspondence.

H.B. 3743 exempts an advisory board established to advise TCLR or TDLR from Government Code provisions governing state agency advisory committees.

H.B. 3743 authorizes TDLR to accept a license application from an applicant who is an inmate imprisoned in the Texas Department of Criminal Justice but prohibits TDLR from issuing the license until the applicant has been released. These provisions expressly do not limit the ability of TDLR to determine or verify the applicant's eligibility for the license or to issue a provisional or restricted license in accordance with other law.

EFFECTIVE DATE

September 1, 2023.