

BILL ANALYSIS

H.B. 3744
By: Goldman
Natural Resources
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Statutory changes are needed to update outdated language in provisions relating to the regulation of water well drillers and water well pump installers to reflect the current regulation and licensing of these drillers and pump installers by the Texas Department of Licensing and Regulation (TDLR). Licensing examinations are prepared by committees of experts in conjunction with TDLR staff and administered by a third party, allowing exams to be easily taken anywhere in Texas. H.B. 3744 seeks to reflect current regulation and licensing practices by revising provisions relating to the regulation of water well drillers and water well pump installers.

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 Texas Commission of Licensing and Regulation in SECTIONS 2 and 6 of this bill.

ANALYSIS

H.B. 3744 amends the Occupations Code to do the following with regard to the regulation of water well drillers and water well pump installers:

- replace the requirement that the Texas Department of Licensing and Regulation (TDLR), with the advice of the Texas Water Well Drillers Advisory Council, prepare licensing examinations with a requirement that TDLR provide for the examination of license applicants;
- applicable only to a license that expires on or after January 1, 2024, replace provisions that provide for the annual expiration of a license and for a required annual renewal fee with provisions establishing that a license is valid for one or two years as determined by Texas Commission of Licensing and Regulation (TCLR) rule;
- replace the requirement that TDLR offer license examinations with an authorization for TDLR to prepare, recognize, administer, or arrange for the administration of an examination; and
- replace the requirement that TDLR design written examinations to disqualify a person who lacks applicable knowledge with a requirement that TDLR ensure that examinations are designed to disqualify such a person.

H.B. 3744 repeals provisions that do the following:

- require TDLR to maintain a current register of license holders;
- require TDLR to administer examinations so that a person grading an examination does not know the identity of the person taking the examination; and

- authorize an applicant for a water well driller license to take an oral examination.

H.B. 3744 requires TCLR, not later than January 1, 2024, to adopt rules to implement the bill's provisions.

H.B. 3744 repeals the following provisions of the Occupations Code:

- Section 1901.054;
- Section 1901.203;
- Section 1901.204;
- Section 1902.054; and
- Section 1902.203.

EFFECTIVE DATE

September 1, 2023.