88R13081 MAW-F

By:  Goldman H.B. No. 3746

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of registration and other regulatory provisions applicable to code enforcement officers and sanitarians.

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

SECTION 1.  Chapters 1952 and 1953, Occupations Code, are repealed.

SECTION 2.  Section 1002.252, Occupations Code, is amended to read as follows:

Sec. 1002.252.  EXEMPTIONS.  The following activities do not require a license under this chapter:

(1)  geoscientific work performed by an employee or a subordinate of a license holder under this chapter if the work does not include the responsible charge of geoscientific work and is performed under the direct supervision of a licensed geoscientist who is responsible for the work;

(2)  geoscientific work performed by an officer or employee of the United States practicing solely as such an officer or employee;

(3)  geoscientific work performed exclusively in exploring for and developing oil, gas, or other energy resources, base metals, or precious or nonprecious minerals, including sand, gravel, or aggregate, if the work is done in and for the benefit of private industry;

(4)  geoscientific research conducted through an academic institution, local, state, or federal governmental agency, nonprofit research institution, or for-profit organization, including submission of a report on the research to a public agency, unless the work is covered by Section 1002.251(c);

(5)  teaching geoscience or a related physical or natural science;

(6)  work customarily performed by a cartographer, technician, or physical or natural scientist, including a geologist, geophysicist, soil scientist, chemist, archaeologist, geographer, or oceanographer, if the work does not include the public practice of geoscience;

(7)  work performed by an archaeologist, geoscientist, or other person conducting a stratigraphic or historical geological investigation for archaeological purposes;

(8)  testifying or preparing and presenting an exhibit or document for the sole purpose of being placed in evidence before an administrative or judicial tribunal or hearing if the testimony, exhibit, or document does not imply that the person is licensed under this chapter;

(9)  the evaluation by a state agency, as defined by Section 2001.003, Government Code, or by a hearing examiner of an exhibit or document offered or placed in evidence before an administrative tribunal; or

(10)  the determination of the suitability of a site for a specific on-site sewage disposal system by a person who has successfully completed site evaluation training approved by the Texas Commission on Environmental Quality and is:

(A)  registered by the commission as:

(i)  an installer, if the commission recognizes only one level of installer; or

(ii)  the highest level of installer recognized by the commission, if the commission recognizes more than one level of installer; or

(B)  a designated representative[~~; or~~

[~~(C)  a registered professional sanitarian~~].

SECTION 3.  Section 46.15(h), Penal Code, is amended to read as follows:

(h)  The provisions of Section 46.03 prohibiting the possession or carrying of a club do not apply to a code enforcement officer who [~~:~~

[~~(1)  holds a certificate of registration issued under Chapter 1952, Occupations Code; and~~

[~~(2)~~]  possesses or carries an instrument used specifically for deterring an animal bite while the officer is:

(1) [~~(A)~~]  performing official duties; or

(2) [~~(B)~~]  traveling to or from a place of duty.

SECTION 4.  On the effective date of this Act, a certificate of registration issued under a law that is repealed by this Act expires.

SECTION 5.  (a) Except as provided by Subsection (b) of this section, on the effective date of this Act, a pending regulatory action, including a complaint investigation, disciplinary action, or administrative penalty proceeding, of the Texas Department of Licensing and Regulation with respect to a certificate of registration issued under a law repealed by this Act, is terminated.

(b)  An administrative penalty imposed before the effective date of this Act under a law repealed by this Act may be collected after the effective date of this Act by the Texas Department of Licensing and Regulation in the manner provided by Subchapter F, Chapter 51, Occupations Code.

SECTION 6.  The repeal of a law by this Act does not entitle a person to a refund of a fee for a certificate of registration paid by the person before the effective date of this Act.

SECTION 7.  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, 2023.