

By: Goldman

H.B. No. 3746

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the repeal of registration and other regulatory
3 provisions applicable to code enforcement officers and
4 sanitarians.

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

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7 repealed.

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

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

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

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

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

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

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

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

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

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

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

25 (10) the determination of the suitability of a site
26 for a specific on-site sewage disposal system by a person who has
27 successfully completed site evaluation training approved by the

1 Texas Commission on Environmental Quality and is:

2 (A) registered by the commission as:

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

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

8 (B) a designated representative [~~+~~ ~~or~~

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

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

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

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

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

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

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

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

24 SECTION 5. (a) Except as provided by Subsection (b) of this
25 section, on the effective date of this Act, a pending regulatory
26 action, including a complaint investigation, disciplinary action,
27 or administrative penalty proceeding, of the Texas Department of

1 Licensing and Regulation with respect to a certificate of
2 registration issued under a law repealed by this Act, is
3 terminated.

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

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

12 SECTION 7. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2023.