

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners **Date:** August 5, 2016

Thru: Bridget C. Bohac, Chief Clerk
Richard A. Hyde, P.E., Executive Director

From: Brent Wade, Deputy Director
Office of Waste

Docket No.: 2015-1024-RUL

Subject: Commission Approval for Rulemaking Adoption
Chapter 30, Occupational Licenses and Registrations
SB 807 and SB 1307: Military Fee Waiver and Military Renewal
Rule Project No. 2015-026-030-WS

Background and reason(s) for the rulemaking:

The adopted rulemaking implements the requirements in Senate Bills (SBs) 807 and 1307 from the 84th Texas Legislature, 2015. These bills impact 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licenses and Registrations, Subchapter A, Administration of Occupational Licenses and Registrations.

SB 807, by Senator Donna Campbell, amends Texas Occupations Code, Chapter 55, by adding new Texas Occupations Code, §55.009, which requires state licensing agencies to waive fees for application and examinations for: 1) military service members or military veterans who substantially meet all of the requirements for the license and 2) military service members, military veterans, or military spouses who hold a current license issued by another jurisdiction that has licensing requirements that are substantially equivalent to the requirements for the license in this state.

SB 1307, by Senator Jose Menendez, amends Texas Occupations Code, §55.001, to include definitions for *active duty* and *armed forces of the United States*. SB 1307 also amends Texas Occupations Code, §55.002, by requiring state agencies to exempt military service members from penalties for failing to renew a license in a timely manner; and Texas Occupations Code, §55.003, to allow military service members up to two years to complete continuing education and other requirements for renewal. SB 1307 also adds a new Texas Occupations Code, §55.009, requiring state agencies to prominently post a notice on their home website of the options available to military service members, military veterans, and military spouses.

Scope of the rulemaking:

A.) Summary of what the rulemaking will do:

The adopted rulemaking enables the commission to: waive licensing and examination fees for military service members, military veterans, or military spouses, as required by Texas Occupations Code, Chapter 55, as amended by SB 807; and extend renewal deadlines for military service as required by Texas Occupations Code, Chapter 55, Licensing of Military Service Members, Military Veteran's, and Military Spouses, amended by SB 1307.

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Additionally, the adopted rulemaking: removes redundant citations; identifies approved training delivery methods; increases examination security; adds relevant statutory citations; removes historical dates which no longer pertain to occupational licenses due to agency rule changes; removes citations which no longer pertain to occupational licenses due to historical legislative statutory changes; and improves readability of rules by removing redundant wording and making non-substantive changes to grammar, punctuation, and organization.

The rulemaking also repeals and simultaneously adopts new §30.28 to reorganize the section to improve readability. The new §30.28 generalizes training provider requirements to apply to additional delivery methods.

B.) Scope required by federal regulations or state statutes:

The rulemaking implements SBs 807 and 1307 which amends Texas Occupations Code, Chapter 55.

C.) Additional staff recommendations that are not required by federal rule or state statute:

The adopted rulemaking: removes redundant citations; identifies approved training delivery methods; increases examination security; adds relevant statutory citations; removes historical dates which no longer pertain to occupational licenses due to agency rule changes; removes citations which no longer pertain to occupational licenses due to historical legislative statutory changes; and improves readability of rules by removing redundant wording and making non-substantive changes to grammar, punctuation, and organization.

Statutory authority:

- Texas Water Code, §§5.013, 5.102, 5.103, 26.0301, 26.345, 26.364 - 26.366, and 37.001 - 37.015
- Texas Occupations Code, §§55.001, 55.002, 55.004 - 55.006, 55.008, 55.009, 1903.053, 1904.051 - 1904.054, and 1903.251
- Texas Health and Safety Code, §§341.033, 341.034, 366.011, and 366.012

Effect on the:

A.) Regulated community:

The effect from statutory changes is limited to license holders or potential license holders who are military service members, military veterans, or military spouses who will benefit from a simplified licensing and renewal process. No adverse effect from the adopted rulemaking is expected as the changes are to simplify licensing for military service members, military veterans, and military spouses and for consistency and clarity.

B.) Public:

No direct public effect is expected. The public may benefit indirectly from the adopted changes as a result of having additional licensees who are military service members, military veterans, or military spouses who will have an opportunity to be reintegrated into civilian life as trained and licensed professionals.

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C.) Agency programs:

Implementation of the requirements of SBs 807 and 1307 will involve minor procedural changes in the occupational licensing application process when reviewing applicants with a military background. These changes include a request for applicants to submit proof of their military background as well as require staff to update the database to track these individuals.

Stakeholder meetings:

No stakeholder meetings were held; however, Occupational Licensing staff did inform members of the Water Utility Operator Licensing Advisory Committee on July 22, 2015, of the intent to open Chapter 30 to clarify training rules as well as make revisions necessary to comply with the applicable legislation from the 84th Texas Legislature, 2015.

Public comment:

The commission held a public hearing on May 17, 2016. The comment period closed on May 23, 2016. The commission did not receive comments at the public hearing. The commission received written comments from the Texas Rural Water Association (TRWA). TRWA provided comment in support of waiving fees in rule and recommended a change to the definition for "association" in §30.7.

Significant changes from proposal:

Staff incorporated TRWA's recommended change in §30.7. The definition for association will now include all nonprofit trade associations whose members are required to employ or contract with individuals who hold licenses issued by the commission.

Potential controversial concerns and legislative interest:

There are no known controversial concerns or legislative interest related to the implementation of SBs 807 and 1307.

Does this rulemaking affect any current policies or require development of new policies?

A new policy to allow applicants with a military background to submit their background information will be implemented.

What are the consequences if this rulemaking does not go forward? Are there alternatives to rulemaking?

If this rulemaking does not go forward, the commission's rules will be inconsistent with statute. There are no alternatives to this rulemaking.

Key points in the adoption rulemaking schedule:

Texas Register proposal publication date: April 22, 2016

Anticipated *Texas Register* adoption publication date: September 9, 2016

Anticipated effective date: September 15, 2016

Six-month *Texas Register* filing deadline: October 22, 2016

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Attachments

SB 807

SB 1307

cc: Chief Clerk, 2 copies
Executive Director's Office
Marshall Coover
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