

Texas Commission on Environmental Quality

Interoffice Memorandum

To: Commissioners

Date: March 18, 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 Proposed Rulemaking
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 proposed rulemaking will implement 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 proposed rulemaking will enable 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,

Re: Docket No. 2015-1024-RUL

Licensing for Military Service Members, Military Veteran's, and Military Spouses, amended by SB 1307.

Additionally, the proposed rulemaking will: remove redundant citations; identify approved training delivery methods; increase examination security; add relevant statutory citations; remove historical dates which no longer pertain to occupational licenses due to agency rule changes; remove citations which no longer pertain to occupational licenses due to historical legislative statutory changes; and improve readability of rules by removing redundant wording and making non-substantive changes to grammar, punctuation, and organization.

The proposed rulemaking will also repeal and simultaneously propose new §30.28 to reorganize the section to improve readability. The new §30.28 will generalize training provider requirements to apply to additional delivery methods.

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

The rulemaking will implement 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 proposed rulemaking will: remove redundant citations; identify approved training delivery methods; increase examination security; add relevant statutory citations; remove historical dates which no longer pertain to occupational licenses due to agency rule changes; remove citations which no longer pertain to occupational licenses due to historical legislative statutory changes; and improve 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, 1904.051 - 1904.055, 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 proposed rulemaking is expected as the changes are to simplify licensing for military service members, military veterans, and military spouses and for consistency and clarity.

Re: Docket No. 2015-1024-RUL

B.) Public:

No direct public effect is expected. The public may benefit indirectly from the proposed 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.

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 Water Utility Operator Licensing Advisory Committee on July 22, 2015, of the intent to open 30 TAC Chapter 30 to clarify training rules as well make revisions necessary to comply with the 84th Texas Legislature, 2015.

Potential controversial concerns and legislative interest:

There are no controversial concerns or legislative interest related to Texas Commission on Environmental Quality implementation activities for SBs 807 and 1307.

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

Currently, there is no policy on reviewing applications for licensees with a military background. Occupational Licensing will create a policy to allow these applicants to submit their background. Also, Occupational Licensing will need to update the database to track these individuals and note that their fees have been waived.

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 proposal rulemaking schedule

Anticipated proposal date: April 6, 2016

Anticipated *Texas Register* publication date: April 22, 2016

Anticipated public hearing date (if any): May 17, 2016

Anticipated public comment period: April 22 - May 23, 2016

Anticipated adoption date: August 24, 2016

Agency contacts:

Michael Parrish, Rule Project Manager, Occupational Licensing Division, (512) 239-2548

Commissioners

Page 4

March 18, 2016

Re: Docket No. 2015-1024-RUL

Alicia Ramirez, Staff Attorney, (512) 239-0133

Sherry Davis, Texas Register Coordinator, (512) 239-2141

Attachments

SB 807

SB 1307

cc: Chief Clerk, 2 copies
Executive Director's Office
Marshall Coover
Erin Chancellor
Stephen Tatum
Jim Rizk
Office of General Counsel
Michael Parrish
Sherry Davis