

Texas Commission on Environmental Quality

Interoffice Memorandum

Date: August 25, 2025

To: Kelly Keel, Executive Director

Thru: Beth Seaton, Director
Office of Waste

From: Jaya Zyman, P.E., Division Deputy Director
Occupational Licensing and Registration Division

Subject: Rulemaking Draft Concept and Initiation Memo
Chapter 30, Occupational Licenses and Registrations

Suggested short title: Implementation of Occupational Licensing Legislative Updates 89th Session and Response to Ethics Petition

Introduction and reason(s) for the rulemaking:

The Occupational Licensing & Registration Division (OLRD) proposes to initiate a rulemaking project in response to two related petitions for rulemaking in accordance with Commission action at the Commissioner's Agenda on November 20, 2024. Additionally, this rulemaking will incorporate amendments to 30 Texas Administrative Code (TAC) Chapter 30, Occupational Licensing and Registration, to implement changes to statute made in House Bills (HB) 1237 and 5629, and Senate Bills (SB) 1818 and 1080 during the 89th Legislative Session.

Scope of the proposed rule:

A.) Scope pertaining to the approved petition:

On September 25, 2024, the Texas Commission on Environmental Quality (TCEQ or commission) received petitions from the Water Environment Association of Texas (WEAT) and the Texas Section of the American Water Works Association (TAWWA) (petitioners). The petitioners requested that the commission revise 30 TAC Chapter 30, Occupational Licenses and Registrations, particularly Sections 30.392 and 30.342 to require continuing education (CE) ethics training for renewal of all levels of public water system and wastewater operator licenses. The petitioners requested that four (4) hours of ethics training be required in each three-year renewal cycle. The proposed ethics training would count towards the 30 CE credits already required to renew a license. The commissioners directed the executive director to initiate rulemaking concerning the issues raised in the petitions at the Commissioners' Agenda held on November 20, 2024.

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

HB 1237 allows licensed individuals additional time to renew any license or registration up to 180 days past expiration. The bill allows TCEQ to charge up to 1.5 times the normal fee to renew a license or registration that is up to 90 days past expiration and up to two times the normal renewal fee to renew a license or registration that is more than 90 days but not more than 180 days past expiration. Previously, the statute only allowed an individual to renew their license up to 30 days past the expiration date and allowed a licensing agency to charge up to 1.5 times the normal fee. TCEQ proposes to set the renewal fees for 1.5 times the normal fee and two times the normal fee for license and registration applications that are submitted up to 90 and 180 days past expiration, respectively.

HB 5629 amends the reciprocal process for military service members, veterans, and military spouses with an occupational license from another state seeking an occupational license in Texas. The review process for reciprocal licenses will be based on whether the license in the other state is similar in scope of practice to a license in Texas, regardless of whether the requirements are

substantially equivalent to Texas or how the license was obtained. A military member, veteran, or military spouse, applying for a reciprocal license in Texas, is required to provide supporting documentation to prove that he or she is in good standing with the state from which he or she holds a license by submitting a notarized affidavit. HB 5629 gives TCEQ 10 days to respond to an applicant as to 1) whether they qualify for the reciprocal license; 2) the application is incomplete; or 3) the agency is unable to recognize the applicant's out-of-state license. HB 5629 also requires TCEQ to waive the application fee for all military service members, veterans, or military spouses' applications for a new license. HB 5629 also requires TCEQ to maintain a record of complaints made against military service members, veterans, or military spouses with reciprocal licenses and publish these complaints quarterly on the agency's website.

SB 1818 requires state licensing authorities to promptly issue a provisional license or license to military members, veterans, and military spouses who apply for a reciprocal license. The provisional license would expire when the agency approves or denies the application for a reciprocal license or 180 days after the provisional license is issued, whichever comes first.

SB 1080 amends the automatic revocation of licenses following a felony conviction. It continues to require TCEQ to automatically revoke a license for a felony conviction that results in imprisonment for an offense that directly relates to the duties and responsibilities of the licensed occupation, an offense listed in Article 42A.054, Code of Criminal Procedure, or a sexually violent offense, as defined by Article 62.001, Code of Criminal Procedures. However, instead of continuing to require automatic revocation for all other felony convictions that resulted in imprisonment, the bill makes revocation discretionary. Previously, the statute required automatic revocation for all licensees that received any felony conviction that resulted in imprisonment.

C.) Additional staff recommendations:

Other minor updates to 30 TAC Chapter 30 will be made, as necessary, to provide clarification or consistency with other licensing requirements and rules.

Potential controversial concerns and legislative interest:

None.

Potential alternatives:

OLRD has not identified any potential alternatives as it relates to implementing the legislative changes.

Effect on the:

A.) Regulated community:

Military service members, veterans, and military spouses with occupational licenses from TCEQ will have the fee waived for all new applications, rather than just the initial license.

Extending the renewal period gives local and other government entities additional flexibility in renewing employee licenses, if needed. In these cases, the individual would not need to re-test for a new license as they have had to in the past, allowing them to receive their renewed license faster. It would require them to pay an increased fee.

B.) Public:

None.

C.) Agency programs:

The agency will experience a loss of application fee for all new applications for a license from military service members, veterans, and military spouses.

Proposed schedule and constraints:

Anticipated Proposal Date: Early 2026

Anticipated Public Comment Period: Spring 2026

Anticipated Adoption Date: Fall 2026

Planned Stakeholder involvement:

TCEQ will hold a virtual, informal stakeholder meeting prior to the publication of the proposed rules to seek input on the petition request to add ethics training.

Additionally, TCEQ staff will solicit stakeholder input during the rulemaking process.

Public Involvement Plan

A Public Involvement Plan is required.

Alternative Language Requirements

Spanish language documents will be required for this rulemaking.

Statutory authority:

These amendments are proposed under the authority granted to the commission in TWC, §5.012, which provides that the commission is the agency responsible for implementing the constitution and laws of the state relating to conservation of natural resources and protection of the environment; and §5.103 and §5.105, which establish the commission's general authority to adopt rules.

These amendments are also proposed under TWC, §37.002, which provide the commission's specific authority to adopt rules governing occupational licenses and registrations; §§26.0301, 37.003, 37.005, and 37.006 of TWC; §§341.033, 341.034, 361.027, and 366.071, Health and Safety Code, and §1903.251, TOC.

These amendments are also proposed under TOC §53.105.

The rules will implement TWC, §37.006 as amended by HB 1237; TOC §55.004 as amended by HB 5629 and SB 1818; and TOC §53.021 as amended by SB 1080.

Direction and Guidance:

Rule or Non-Rule Project number: 2025-027-030-WS

Electronic cc: Executive Director
Steven Schar
Dennise Braeutigam
Chikaodi Agumadu Delgado
Ryan Vise

Executive Director

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Gwen Ricco
Beth Seaton
Jaya Zyman
Rebecca Morigan
Maricela Zertuche

Attachments:

HB 1237

HB 5629

SB 1080

SB 1818

Ethics Petition

NOTE: *TR will submit electronic notice to the following after ED Briefing:*

Office of General Counsel

Office of Public Interest Counsel