

## **BILL ANALYSIS**

C.S.H.B. 2365  
By: Romero, Jr.  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties contend that additional oversight of housing for migrant agricultural workers is needed to ensure that the housing is safe and clean. C.S.H.B. 2365 seeks to address this need by expanding oversight of migrant labor housing facilities.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Department of Housing and Community Affairs in SECTIONS 7, 8, 9, and 12 of this bill.

### **ANALYSIS**

C.S.H.B. 2365 amends the Government Code to prohibit a person from procuring, making arrangements for, or otherwise providing housing for migrant agricultural workers without ensuring that the applicable migrant labor housing facility is licensed by the Texas Department of Housing and Community Affairs (TDHCA). The bill removes the requirement that the governing board of the TDHCA set the fee for a migrant labor housing facility license in an amount not to exceed \$250 and instead specifies that the license fee is in an amount established by board rule. The bill requires the fee to be deposited to the credit of the general revenue fund and authorizes the appropriation of the fee to the TDHCA for the enforcement of migrant labor housing facilities provisions. The bill revises provisions relating to a migrant labor housing facility for which a license application is made but does not meet reasonable minimum standards of construction, sanitation, equipment, and operation and shortens the period within which an applicant may request the TDHCA to reinspect the facility.

C.S.H.B. 2365 requires the TDHCA to give notice of the expiration of a migrant labor housing facility license to the license holder not later than the 60th day before the date the license is scheduled to expire. The bill requires the TDHCA by rule to adopt procedures through which third parties may appeal the issuance or denial of a license or the imposition of a condition on a license. The bill requires a person who holds a license to post in the licensed migrant labor housing facility at all times during the maintenance or operation of the facility a copy of information describing in English and Spanish the complaint procedures applicable to such a facility.

C.S.H.B. 2365 requires an authorized representative of the TDHCA, before conducting an inspection of a migrant labor housing facility, to give or make a reasonable attempt to give notice to the persons who are the providers of the facility, based on evidence available to the TDHCA and, who are alleged to be the providers of the facility in any applicable complaint and makes

related changes, if applicable. The bill requires an authorized representative of the TDHCA, after giving or making a reasonable attempt to give such notice, to inspect the facility on receipt of a complaint, including a report of an unlicensed facility, and at least once during the probable period of use of the facility as stated in the license application. The bill requires the inspector, during such an inspection, to conduct interviews with not less than 10 percent of the occupants of the facility, make written notes regarding the inspection at the time of the inspection or immediately after the inspection, and take photographs of any violations. The bill requires an interview with a facility occupant to be conducted after working hours or on rest days, to the extent possible, and out of the presence of any person who owns or establishes or who maintains, operates, or otherwise provides the migrant labor housing facility or any person who employs the migrant agricultural workers occupying the facility. The bill requires the TDHCA by rule to establish an annual quota of proactive inspections of suspected unlicensed or noncompliant migrant labor housing facilities and clarifies that this requirement is in addition to the required inspections. The bill prohibits the quota from being less than 50 percent of the number of migrant labor housing facilities licensed in the preceding state fiscal year. The bill requires an inspector, after an inspection of a migrant labor housing facility, to submit to the TDHCA a report containing a narrative regarding the alleged violation and the methods used to investigate the alleged violation, a determination of whether the alleged violation or any other violation exists, and evidence supporting the determination. The bill requires the report to be made available to the public on the TDHCA website and requires the TDHCA to redact each migrant agricultural worker's name and other personal information contained in the report. The bill requires the TDHCA by rule to establish and require the use of a standardized inspection report form for conducting inspections.

C.S.H.B. 2365 requires the TDHCA by rule to establish procedures for the submission, investigation, and resolution of complaints of alleged violations of provisions governing migrant labor housing facilities and to adopt a standardized complaint form. The bill requires the procedure to allow the submission of complaints anonymously or by a third party and to allow the submission of complaints through the TDHCA website, in person at any nonprofit organization that assists migrant agricultural workers in finding employment or at any state agency, by phone, or in writing. The bill requires the standardized complaint form to allow for the collection of certain specified information. The bill requires the TDHCA to consider a report regarding an unlicensed migrant labor housing facility to be a complaint. The bill requires the TDHCA to make available to a person submitting a complaint, if the identity of that person is known, information regarding other housing and transportation resources available to the person. The bill requires the TDHCA by rule to establish procedures requiring the owner or provider of a migrant labor housing facility, on suspension or revocation of a migrant labor housing facility license, to relocate or provide for the relocation of the occupants of the facility to another facility that meets applicable occupancy standards and is located in the same area as the vacated facility. The bill requires an owner or provider required to relocate an occupant to pay any rental cost of the relocation facility that exceeds the rent of the vacated facility.

C.S.H.B. 2365 specifies that the minimum standards for issuing, revoking, or suspending a migrant labor housing facility license that the governing board of the TDHCA is required to adopt by rule include rules that provide for the immediate suspension or revocation of a license for certain violations that constitute threats to the health and safety of persons living in migrant labor housing facilities. The bill changes the amount of the civil penalty for a violation of provisions governing migrant labor housing facilities or a rule adopted under such provisions from \$200 for each day that the violation occurs to a minimum of \$50 for each person occupying the migrant labor housing facility in violation of those provisions for each day that the violation occurs. The bill removes the requirement that the county attorney for the county in which a violation occurred, or the attorney general, at the request of the TDHCA, bring an action in the name of the state to collect the penalty. The bill instead authorizes an action to collect a penalty to be brought by the TDHCA through a prescribed contested case hearing process; by the county attorney for the county in which the violation occurred, or the attorney general, at the request of the TDHCA; or by a migrant agricultural worker who, at the time of the violation, lived in the

migrant labor housing facility that is the subject of the violation. The bill requires the TDHCA by rule to adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates provisions governing migrant labor housing facilities or rules adopted under such provisions. The bill requires a penalty collected through an action brought by the TDHCA, a county attorney, or the attorney general to be deposited to the credit of the general revenue fund and restricts appropriation of the penalty to the TDHCA for the enforcement of provisions governing migrant labor housing facilities. The bill makes a person against whom a civil penalty is assessed liable for paying the costs and attorney's fees of the person who brought the action.

C.S.H.B. 2365 prohibits a person who owns, establishes, maintains, operates, procures, makes arrangements for, or otherwise provides a migrant labor housing facility, a person who employs a migrant agricultural worker who occupies a migrant labor housing facility, or a farm labor contractor from retaliating against a person for filing a complaint or providing information in good faith relating to a possible violation of provisions governing migrant labor housing facilities. The bill provides for outreach and education by the TDHCA regarding migrant labor housing facilities. The bill requires the TDHCA, not later than March 1, 2018, to adopt the rules necessary to implement the bill's provisions.

### **EFFECTIVE DATE**

September 1, 2017.

### **COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 2365 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

#### INTRODUCED

SECTION 1. Section 2306.921(3), Government Code, is amended to read as follows:

(3) "Migrant labor housing facility" means a facility that is established, operated, or used for more than three days as living quarters for ~~[two or more seasonal, temporary, or migrant families or]~~ three or more ~~[seasonal, temporary, or]~~ migrant agricultural workers, whether rent is paid or reserved in connection with the use of the facility.

SECTION 2. Section 2306.922, Government Code, is amended to read as follows:

Sec. 2306.922. LICENSE REQUIRED. A person may not:

- (1) establish, maintain, or operate a migrant labor housing facility without obtaining a license for the facility from the department;
- or
- (2) otherwise provide housing for migrant agricultural workers without ensuring that

#### HOUSE COMMITTEE SUBSTITUTE

No equivalent provision.

SECTION 1. Section 2306.922, Government Code, is amended to read as follows:

Sec. 2306.922. LICENSE REQUIRED. A person may not:

- (1) establish, maintain, or operate a migrant labor housing facility without obtaining a license for the facility from the department;
- or
- (2) procure, make arrangements for, or otherwise provide housing for migrant

the migrant labor housing facility is licensed under this subchapter.

SECTION 3. The heading to Section 2306.923, Government Code, is amended.

SECTION 4. Section 2306.923(d), Government Code, is amended to read as follows:

(d) The application must be accompanied by a [the] license fee in an amount established by board rule.

SECTION 5. The heading to Section 2306.924, Government Code, is amended.

SECTION 6. Section 2306.925(a), Government Code, is amended.

SECTION 7. Section 2306.926(b), Government Code, is amended.

SECTION 8. Subchapter LL, Chapter 2306, Government Code, is amended.

SECTION 9. Subchapter LL, Chapter 2306, Government Code, is amended by amending Sections 2306.927, 2306.928, and 2306.929 and adding Section 2306.9281 to read as follows:

Sec. 2306.927. [LICENSE] POSTING OF LICENSE AND COMPLAINT INFORMATION. A person who holds a license issued under this subchapter shall post ~~[the license]~~ in the licensed migrant labor housing facility at all times during the maintenance or operation of the facility a copy of:  
(1) the license; and  
(2) information describing in English and Spanish the complaint procedures provided by Section 2306.929.

Sec. 2306.928. INSPECTION OF FACILITIES.

agricultural workers without ensuring that the applicable migrant labor housing facility is licensed under this subchapter.

SECTION 2. Same as introduced version.

SECTION 3. Section 2306.923, Government Code, is amended by amending Subsection (d) and adding Subsection (e) to read as follows:

(d) The application must be accompanied by a [the] license fee in an amount established by board rule.

(e) A fee collected under this section shall be deposited to the credit of the general revenue fund and may be appropriated to the department for the enforcement of this subchapter.

SECTION 4. Same as introduced version.

SECTION 5. Same as introduced version.

SECTION 6. Same as introduced version.

SECTION 7. Same as introduced version.

SECTION 8. Subchapter LL, Chapter 2306, Government Code, is amended by amending Sections 2306.927, 2306.928, and 2306.929 and adding Section 2306.9281 to read as follows:

Sec. 2306.927. [LICENSE] POSTING OF LICENSE AND COMPLAINT INFORMATION. A person who holds a license issued under this subchapter shall post ~~[the license]~~ in the licensed migrant labor housing facility at all times during the maintenance or operation of the facility a copy of:  
(1) the license; and  
(2) information describing in English and Spanish the complaint procedures provided by Section 2306.929.

Sec. 2306.928. INSPECTION OF FACILITIES. (a) Before conducting an inspection of a migrant labor housing facility under this section, an authorized

(a) An authorized representative of the department, after giving or making a reasonable attempt to give notice to the provider [operator] of a migrant labor housing facility:

(1) shall inspect the facility:

(A) on receipt of a complaint under Section 2306.929, including a report of an unlicensed migrant labor housing facility; and

(B) at least once during the probable period of use of the facility as stated under Section 2306.923(c)(3); and

(2) [;] may otherwise enter and inspect the facility during reasonable hours and investigate conditions, practices, or other matters as necessary or appropriate to determine whether a person has violated this subchapter or a rule adopted under this subchapter.

(b) In addition to the inspections required under Subsection (a)(1), the department by rule shall establish an annual quota of proactive inspections of suspected unlicensed or noncompliant migrant labor housing facilities.

(c) During an inspection conducted under Subsection (a)(1), the inspector shall:

(1) conduct interviews with occupants of the facility, including any person who submitted a complaint requiring the inspection under Subsection(a)(1)(A), if known; and

(2) take photographs of any violations.

(d) An interview under Subsection (c)(1) must be conducted:

(1) after working hours or on rest days, to the extent possible; and

(2) out of the presence of a person who

representative of the department must give or make a reasonable attempt to give notice to the persons who:

(1) are the providers of the facility, based on evidence available to the department; and

(2) if applicable, are alleged to be the providers of the facility in any complaint filed under this chapter.

(b) An authorized representative of the department, after giving or making a reasonable attempt to give notice under Subsection (a):

(1) shall inspect the facility:

(A) on receipt of a complaint under Section 2306.929, including a report of an unlicensed migrant labor housing facility; and

(B) at least once during the probable period of use of the facility as stated under Section 2306.923(c)(3); and

(2) [~~to the operator of a migrant labor housing facility,~~] may otherwise enter and inspect the facility during reasonable hours and investigate conditions, practices, or other matters as necessary or appropriate to determine whether a person has violated this subchapter or a rule adopted under this subchapter.

(c) In addition to the inspections required under Subsection (b)(1), the department by rule shall establish an annual quota of proactive inspections of suspected unlicensed or noncompliant migrant labor housing facilities. The quota established under this subsection may not be less than 50 percent of the number of migrant labor housing facilities licensed under this subchapter in the preceding state fiscal year.

(d) During an inspection conducted under Subsection (b)(1), the inspector shall:

(1) conduct interviews with not less than 10 percent of the occupants of the facility, including any person who submitted a complaint requiring the inspection under Subsection (b)(1)(A), if known;

(2) make written notes regarding the inspection at the time of the inspection or immediately after the inspection; and

(3) take photographs of any violations.

(e) An interview under Subsection (d)(1) must be conducted:

(1) after working hours or on rest days, to the extent possible; and

(2) out of the presence of any person who

owns or establishes or who maintains, operates, or otherwise provides the migrant labor housing facility and a person who employs the migrant agricultural workers occupying the facility.

Sec. 2306.9281. INSPECTION REPORT.

(a) After an inspection, the inspector shall submit to the department a report containing:

(1) a narrative regarding the alleged violation and the methods used to investigate the alleged violation;

(2) a determination of whether the alleged violation, or any other violation, exists; and

(3) evidence supporting the determination made under Subdivision (2), including any photographs taken under Section 2306.928(c)(2).

(b) A report under Subsection (a) must be made available to the public on the department's Internet website. The department shall redact each migrant agricultural worker's name and other personal information contained in a report made available under this subsection.

(c) The department by rule shall establish a standardized inspection report form for use in conducting inspections under Section 2306.928.

Sec. 2306.929. COMPLAINTS [FEE]. (a) The department by rule shall:

(1) establish procedures for the submission, investigation, and resolution of complaints of alleged violations of this subchapter, including a procedure through which other state agencies that receive a complaint under Subsection (b)(2) can report the complaint to the department; and

(2) adopt a standardized complaint form.

(b) The procedure established under Subsection (a)(1) must allow the submission of complaints:

(1) anonymously or by a third party; and

(2) through the department's Internet website, in person at any nonprofit organization that assists migrant agricultural workers in finding employment or at any state agency, by phone, or in writing.

(c) The form adopted under Subsection (a)(2) must allow for the collection of information regarding:

(1) the name, address, and contact information of:

owns or establishes or who maintains, operates, or otherwise provides the migrant labor housing facility or any person who employs the migrant agricultural workers occupying the facility.

Sec. 2306.9281. INSPECTION REPORT.

(a) After an inspection, the inspector shall submit to the department a report containing:

(1) a narrative regarding the alleged violation and the methods used to investigate the alleged violation;

(2) a determination of whether the alleged violation, or any other violation, exists; and

(3) evidence supporting the determination made under Subdivision (2), including any photographs taken under Section 2306.928(d)(3).

(b) A report under Subsection (a) must be made available to the public on the department's Internet website. The department shall redact each migrant agricultural worker's name and other personal information contained in a report made available under this subsection.

(c) The department by rule shall establish and require the use of a standardized inspection report form for conducting inspections under Section 2306.928.

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(2) adopt a standardized complaint form.

(b) The procedure established under Subsection (a)(1) must allow the submission of complaints:

(1) anonymously or by a third party; and

(2) through the department's Internet website, in person at any nonprofit organization that assists migrant agricultural workers in finding employment or at any state agency, by phone, or in writing.

(c) The form adopted under Subsection (a)(2) must allow for the collection of information regarding:

(1) the name, address, and contact information of:

(A) the employer;  
(B) the farm labor contractor; and  
(C) the migrant labor housing facility provider;  
(2) the address and location of and directions to the facility;  
(3) the number of migrant agricultural workers;  
(A) currently occupying the facility; and  
(B) occupying the facility during the peak period of occupancy;  
(4) the dates the facility has been occupied and the approximate length of the season for which the facility will be occupied;  
(5) the type of work performed by the workers occupying the facility;  
(6) whether the postings required under Section 2306.927 are displayed;  
(7) complaints about the facility; and  
(8) any other information the department considers necessary.  
(d) The department shall consider a report regarding an unlicensed migrant labor housing facility to be a complaint under this section.  
(e) The department shall make available to a person submitting a complaint, if the identity of that person is known, information regarding other housing and transportation resources available to the person [The board shall set the license fee in an amount not to exceed \$250].

SECTION 10. Subchapter LL, Chapter 2306, Government Code, is amended.

SECTION 11. The heading to Section 2306.931, Government Code, is amended.

SECTION 12. Section 2306.931(e), Government Code, is amended to read as follows:

(e) The board by rule shall adopt minimum standards for issuing, revoking, or suspending a license issued under this subchapter, including rules that provide for the immediate suspension or revocation of a license for certain violations that constitute severe threats to the health and safety of persons living in migrant labor housing facilities.

SECTION 13. Subchapter LL, Chapter 2306, Government Code, is amended by

(A) the employer;  
(B) the farm labor contractor; and  
(C) the migrant labor housing facility provider;  
(2) the address, including a unit number, and location of the facility and directions to the facility;  
(3) the number of migrant agricultural workers;  
(A) currently occupying the facility; and  
(B) occupying the facility during the peak period of occupancy;  
(4) the dates the facility has been occupied and the approximate length of the season for which the facility will be occupied;  
(5) the type of work performed by the workers occupying the facility;  
(6) whether the postings required under Section 2306.927 are displayed;  
(7) complaints about the facility; and  
(8) any other information the department considers necessary.  
(d) The department shall consider a report regarding an unlicensed migrant labor housing facility to be a complaint under this section.  
(e) The department shall make available to a person submitting a complaint, if the identity of that person is known, information regarding other housing and transportation resources available to the person [The board shall set the license fee in an amount not to exceed \$250].

SECTION 9. Same as introduced version.

SECTION 10. Same as introduced version.

SECTION 11. Section 2306.931(e), Government Code, is amended to read as follows:

(e) The board by rule shall adopt minimum standards for issuing, revoking, or suspending a license issued under this subchapter, including rules that provide for the immediate suspension or revocation of a license for certain violations that constitute threats to the health and safety of persons living in migrant labor housing facilities.

SECTION 12. Subchapter LL, Chapter 2306, Government Code, is amended by

amending Section 2306.933 and adding Sections 2306.934, 2306.935, and 2306.936 to read as follows:

Sec. 2306.933. CIVIL PENALTY. (a) A person who violates this subchapter or a rule adopted under this subchapter is subject to a civil penalty of not less than \$50 for each person occupying the migrant labor housing facility in violation of this subchapter [~~\$200~~] for each day that the violation occurs.

(b) ~~An [The county attorney for the county in which the violation occurred, or the attorney general, at the request of the department, shall bring an]~~ action [~~in the name of the state~~] to collect a [the] penalty under this section may be brought by:

(1) the department through the contested case hearing process described by Section 2306.930(b);

(2) the county attorney for the county in which the violation occurred, or the attorney general, at the request of the department; or

(3) a migrant agricultural worker who, at the time of the violation, lived in the migrant labor housing facility that is the subject of the violation.

(c) The department by rule shall adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates this subchapter or rules adopted under this subchapter.

(d) A penalty collected under Subsection (b)(1) or (2) shall be deposited to the credit of the general revenue fund and may be appropriated only to the department for the enforcement of this subchapter.

Sec. 2306.934. RETALIATION PROHIBITED. A person who owns, establishes, maintains, operates, or otherwise provides a migrant labor housing facility, a person who employs a migrant agricultural worker who occupies a migrant labor housing facility, or a farm labor contractor may not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of this subchapter.

Sec. 2306.935. ATTORNEY'S FEES. The court in a suit brought under this subchapter may award reasonable attorney's fees to the prevailing party.

amending Section 2306.933 and adding Sections 2306.934, 2306.935, and 2306.936 to read as follows:

Sec. 2306.933. CIVIL PENALTY. (a) A person who violates this subchapter or a rule adopted under this subchapter is subject to a civil penalty of not less than \$50 for each person occupying the migrant labor housing facility in violation of this subchapter [~~\$200~~] for each day that the violation occurs.

(b) ~~An [The county attorney for the county in which the violation occurred, or the attorney general, at the request of the department, shall bring an]~~ action [~~in the name of the state~~] to collect a [the] penalty under this section may be brought by:

(1) the department through the contested case hearing process described by Section 2306.930(b);

(2) the county attorney for the county in which the violation occurred, or the attorney general, at the request of the department; or

(3) a migrant agricultural worker who, at the time of the violation, lived in the migrant labor housing facility that is the subject of the violation.

(c) The department by rule shall adopt a penalty schedule that increases the amount of the penalty assessed against a person who repeatedly violates this subchapter or rules adopted under this subchapter.

(d) A penalty collected under Subsection (b)(1) or (2) shall be deposited to the credit of the general revenue fund and may be appropriated only to the department for the enforcement of this subchapter.

Sec. 2306.935. RETALIATION PROHIBITED. A person who owns, establishes, maintains, operates, ~~procures, makes arrangements for,~~ or otherwise provides a migrant labor housing facility, a person who employs a migrant agricultural worker who occupies a migrant labor housing facility, or a farm labor contractor may not retaliate against a person for filing a complaint or providing information in good faith relating to a possible violation of this subchapter.

Sec. 2306.934. ATTORNEY'S FEES. A person against whom a civil penalty is assessed under Section 2306.933 is liable for paying the costs and attorney's fees of the person who brought the action under

Section 2306.933(b).

Sec. 2306.936. OUTREACH AND EDUCATION. (a) The department shall provide:

(1) to migrant agricultural workers in different regions of the state, educational materials or programs in English and Spanish informing the workers of their rights and remedies under this subchapter; and

(2) to persons who own, establish, maintain, operate, or otherwise provide migrant labor housing facilities, educational materials or programs in English and Spanish informing the persons of their obligations under this subchapter.

(b) To better provide the services described by Subsection (a), the department shall:

(1) ensure that, in each region of the state where migrant labor housing facilities are most common, there are persons capable of providing in English and Spanish the information described by Subsection (a); and

(2) conduct research, including by surveying migrant agricultural workers, concerning:

(A) what types of migrant labor housing facilities are most common in different regions of the state; and

(B) what regions of the state most need additional or improved migrant labor housing facilities.

SECTION 14. Not later than March 1, 2018, the Texas Department of Housing and Community Affairs shall adopt the rules necessary to implement Subchapter LL, Chapter 2306, Government Code, as amended by this Act.

SECTION 15. (a) Except as provided by Subsection (b) of this section, the change in law made by this Act applies only to an administrative or regulatory action taken on or after the effective date of this Act. An administrative or regulatory action taken before the effective date of this Act is governed by the law applicable to the administrative or regulatory action immediately before the effective date of this

Sec. 2306.936. OUTREACH AND EDUCATION. (a) The department shall provide:

(1) to migrant agricultural workers in different regions of the state, educational materials or programs that are presented in English, Spanish, and other languages as appropriate and that inform the workers of their rights and remedies under this subchapter; and

(2) to persons who own, establish, maintain, operate, procure, make arrangements for, or otherwise provide migrant labor housing facilities, educational materials or programs that are presented in English, Spanish, and other languages as appropriate and that inform the persons of their obligations under this subchapter.

(b) To better provide the services described by Subsection (a), the department shall:

(1) ensure that, in each region of the state where migrant labor housing facilities are most common, there are persons capable of providing the information described by Subsection (a) in English, Spanish, and other languages as appropriate; and

(2) conduct research, including by surveying migrant agricultural workers, concerning:

(A) what types of migrant labor housing facilities are most common in different regions of the state; and

(B) what regions of the state most need additional or improved migrant labor housing facilities.

SECTION 13. Same as introduced version.

SECTION 14. (a) Except as provided by Subsection (b) of this section, the change in law made by this Act applies only to an administrative or regulatory action taken on or after the effective date of this Act. An administrative or regulatory action taken before the effective date of this Act is governed by the law applicable to the administrative or regulatory action immediately before the effective date of this

Act, and that law is continued in effect for that purpose.

(b) The change in law made by this Act in amending Section 2306.933, Government Code, and adding Section 2306.935, Government Code, applies only to a violation that occurs on or after the effective date of this Act. A violation occurs before the effective date of this Act if any element of the violation occurs before that date. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 16. This Act takes effect September 1, 2017.

Act, and that law is continued in effect for that purpose.

(b) The change in law made by this Act in amending Section 2306.933, Government Code, and adding Section 2306.934, Government Code, applies only to a violation that occurs on or after the effective date of this Act. A violation occurs before the effective date of this Act if any element of the violation occurs before that date. A violation that occurs before the effective date of this Act is governed by the law in effect on the date the violation occurred, and the former law is continued in effect for that purpose.

SECTION 15. Same as introduced version.