

BILL ANALYSIS

Senate Research Center
83R12194 MAW-F

H.B. 3567
By: Kleinschmidt (Estes)
Agriculture, Rural Affairs, & Homeland Security
5/9/2013
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Department of Agriculture (TDA) is charged with regulating the structural pest control industry in order to protect the health and well-being of the public. A nine-member structural pest control advisory committee advises TDA and the commissioner of agriculture on issues relating to such regulation. H.B. 3567 seeks to refine the composition of the advisory committee to better reflect the regulatory responsibility of TDA by increasing the number of members who are individuals licensed by TDA to provide structural pest control services.

H.B. 3567 amends current law relating to the composition of the structural pest control advisory committee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1951.101(a), Occupations Code, to provide that the structural pest control advisory committee (committee) consists of nine members appointed by the commissioner of agriculture consisting of three members who represent the public; three members who represent the interests of structural pest control operators and who are appointed based on recommendations provided by a trade association of operators; and three members who represent the interests of structural pest control operators and who are experienced in the area of integrated pest management programs in schools, rather than two members who are experts in structural pest control application; three members who represent the public; one member from an institution of higher education who is knowledgeable in the science of pests and pest control; one member who represents the interests of structural pest control operators and who is appointed based on recommendations provided by a trade association of operators; one member who represents the interests of consumers; and the commissioner of state health services or the commissioner's designee.

SECTION 2. Amends Section 1951.103(b), Occupations Code, to prohibit a person from being a member of the committee if the person is an officer, employee, or paid consultant of a Texas trade association in the field of pest control except as provided by Section 1951.101(a)(2) (relating to three members of the committee who represent the interests of structural pest control operators and who are appointed based on recommendations provided by a trade association of operators), rather than Section 1951.101(a)(4) (relating to one member of the committee who represents the interests of structural pest control operators and who is appointed based on recommendations provided by a trade association of operators).

SECTION 3. Repealer: Section 1951.101(c) (relating to providing that service on the committee by a state officer or employee is an additional duty of the member's office or employment), Occupations Code.

SECTION 4. Provides that the changes in law made by this Act in the qualifications of members of the committee do not affect the entitlement of a member serving on the committee immediately before the effective date of this Act to continue to serve for the remainder of the

member's term. Requires the commissioner of agriculture, as the terms of committee members expire, to appoint or reappoint a member who has the qualifications required for a member under Section 1951.101(a), Occupations Code, as amended by this Act.

SECTION 5. Effective date: upon passage or September 1, 2013.