

CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5-24-19

Date

Honorable Dan Patrick
President of the Senate

Honorable Dennis Bonnen
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on SB 621 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Robert Nichols

Nichols

Brian Birdwell

Birdwell

Bob Hall

Hall

Keedy Hancock

Hancock

Alan Lambogast

Lambogast

Chad Beer

GEREN

Porcho Navar

NEVAREZ

Chris Paddie

PADDIE

On the part of the Senate

On the part of the House

Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

CORRECTED

CONFERENCE COMMITTEE REPORT

3rd Printing

S.B. No. 621

A BILL TO BE ENTITLED

AN ACT

relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a) to read as follows:

(1) "Advisory board" [~~"Board"~~] means the Texas [~~State Board of~~] Plumbing Advisory Board established under Subchapter C [~~Examiners~~].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "Control valve" means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.

(1-c) "Department" means the Texas Department of Licensing and Regulation.

(2) [~~(1-b)~~] "Executive director" means the executive director of the department [~~Texas State Board of Plumbing Examiners~~].

(3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [a
person who]:

(A) installing [~~has completed at least 4,000~~
~~hours working under the supervision of a responsible master plumber~~
~~as a drain cleaner-restricted registrant,~~

[~~(B) has fulfilled the requirements of and is~~
~~registered with the board, and~~

[~~(C) installs~~] cleanouts and removing [~~removes~~]
and resetting [~~resets~~] p-traps to eliminate obstructions in
building drains and sewers under the supervision of a [~~responsible~~]
master plumber; or

(B) clearing[~~-~~

[~~(3) "Drain cleaner-restricted registrant" means a~~
~~person who-~~

[~~(A) has worked as a plumber's apprentice under~~
~~the supervision of a responsible master plumber,~~

[~~(B) has fulfilled the requirements of and is~~
~~registered with the board, and~~

[~~(C) clears~~] obstructions in sewer and drain
lines through any code-approved existing opening under the
supervision of a [~~responsible~~] master plumber.

(4) "Journeyman plumber" means a person licensed under
this chapter who:

(A) has met the qualifications for registration
as a plumber's apprentice or for licensing as a tradesman
plumber-limited license holder;

(B) has completed at least 8,000 hours working

1 under the supervision of a [~~responsible~~] master plumber;

2 (C) installs, changes, repairs, services, or
3 renovates plumbing or supervises any of those activities under the
4 supervision of a [~~responsible~~] master plumber;

5 (D) has passed the required examination; and

6 (E) has fulfilled the other requirements of the
7 commission [~~board~~].

8 (5) "Master plumber" means a person licensed under
9 this chapter who:

10 (A) is skilled in the design, planning, and
11 superintending of plumbing and in the practical installation,
12 repair, and servicing of plumbing;

13 (B) has worked as a journeyman plumber:

14 (i) for at least four years; or

15 (ii) for at least one year and has
16 successfully completed a training program approved by the United
17 States Department of Labor Office of Apprenticeship or another
18 nationally recognized apprentice training program accepted by the
19 commission [~~board~~];

20 (C) performs or supervises plumbing work;

21 (D) has passed the required examination; and

22 (E) has fulfilled the other requirements of the
23 commission [~~board~~].

24 (6) "Plumber's apprentice" means a person other than a
25 master plumber, journeyman plumber, or tradesman plumber-limited
26 license holder who:

27 (A) [~~r~~] as the person's principal occupation,

1 learns about and assists in the installation of plumbing, including
2 drain cleaning and residential utilities installation;

3 (B) has fulfilled the requirements of the
4 commission and is registered by the department; ~~[board]~~ and

5 (C) works under the supervision of a
6 ~~[responsible]~~ master plumber ~~[and the direct supervision of a~~
7 ~~licensed plumber]~~.

8 (7-a) "Plumbing contractor" means a person licensed as
9 a plumbing contractor under this chapter who:

10 (A) is a master plumber, or employs a master
11 plumber, for the purpose of offering and performing plumbing work
12 that will be performed or supervised by the master plumber;

13 (B) is authorized to obtain permits for plumbing
14 work;

15 (C) assumes responsibility for plumbing work
16 performed for compensation paid to the person; and

17 (D) has submitted a certificate of insurance as
18 required by Section 1301.3576.

19 (8) "Plumbing inspector" means a person who:

20 (A) is employed by a political subdivision or
21 state agency, or contracts as an independent contractor with a
22 political subdivision or state agency, to inspect plumbing in
23 connection with health and safety laws, including ordinances, and
24 plumbing and gas codes;

25 (B) has passed the required examination; and

26 (C) has fulfilled the other requirements of the
27 commission ~~[board]~~.

(9) "Residential utilities installation"

~~["Residential utilities installer"]~~ means constructing and installing ~~[a person who:~~

~~[(A) has completed at least 2,000 hours working under the supervision of a master plumber as a plumber's apprentice,~~

~~[(B) has fulfilled the requirements of and is registered with the board, and~~

~~[(C) constructs and installs]~~ yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a ~~[responsible]~~ master plumber.

(10) "Tradesman plumber-limited license holder" means a person who:

(A) has completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice;

(B) has passed the required examination;

(C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a ~~[responsible]~~ master plumber; and

(D) has fulfilled the other requirements of the commission ~~[board]~~.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the department ~~[board]~~ to engage in:

(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and

(B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture or appliance.

SECTION 2. Sections 1301.056 and 1301.057, Occupations Code, are amended to read as follows:

Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed by the department under this chapter ~~[board]~~ is not required to be licensed by another board or agency to install or work on a lawn irrigation system.

Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not required to be licensed under this chapter to perform plumbing, limited to the provision of a residential potable water supply or residential sanitary sewer connection, for a project that:

(1) is in a county a part of which is within 50 miles of an international border; and

(2) is performed by an organization that:

(A) is certified by the Texas ~~[Natural Resource Conservation]~~ Commission on Environmental Quality to provide self-help project assistance; and

(B) provides the department ~~[board]~~ with the following information before the 30th day before the date the project begins:

(i) the exact location of the project;

(ii) the intended duration of the project;

and

(iii) other information the department ~~[board]~~ requires.

(b) The department [~~board~~] may require under Subsection (a)(2)(B)(iii) that the organization provide a post-construction report signed by a plumbing inspector stating that the plumbing is safe.

(c) The department [~~board~~] may provide training to an organization that provides self-help project assistance under this section.

SECTION 3. The heading to Subchapter C, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER C. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD
[~~EXAMINERS~~]

SECTION 4. Section 1301.151, Occupations Code, is amended to read as follows:

Sec. 1301.151. TEXAS [~~STATE BOARD OF~~] PLUMBING ADVISORY BOARD [~~EXAMINERS~~] MEMBERSHIP. (a) The Texas [~~State Board of~~] Plumbing Advisory Board [~~Examiners~~] consists of nine members appointed by the governor [~~with the advice and consent of the senate~~] as follows:

(1) one member who has at least 10 years' practical experience and is licensed as a master plumber;

(2) one member who has at least five years' practical experience and is licensed as a journeyman plumber;

(3) one member who has at least five years' practical experience and is licensed as a plumbing inspector;

(4) one member who is [~~has been~~] a plumbing contractor [~~responsible master plumber for at least five years with at least 10 years' experience as a licensed journeyman plumber or master~~]

1 ~~plumber~~];

2 (5) one member who is a licensed engineer practicing
3 in the field of plumbing engineering;

4 (6) two members who are building contractors with at
5 least five years' contracting experience, one of whom is
6 principally engaged in home building and one of whom is principally
7 engaged in commercial building; ~~and~~

8 (7) one member who is a licensed plumber; and

9 (8) one member ~~[two members]~~ who represents
10 ~~[represent]~~ the public.

11 (b) Each member of the advisory board must be a United
12 States citizen.

13 (c) Appointments to the advisory board shall be made without
14 regard to the race, color, disability, sex, religion, age, or
15 national origin of the appointee.

16 (d) Chapter 2110, Government Code, does not apply to the
17 composition or duration of the advisory board or to the appointment
18 of the advisory board's presiding officer.

19 SECTION 5. Section 1301.152, Occupations Code, is amended
20 to read as follows:

21 Sec. 1301.152. ELIGIBILITY OF PUBLIC MEMBER ~~[MEMBERS]~~. A
22 person is not eligible for appointment as a public member of the
23 advisory board if the person or the person's spouse:

24 (1) is licensed by an occupational regulatory agency
25 in the building construction industry;

26 (2) is employed by or participates in the management
27 of an agency or business entity related to the building

1 construction industry; or

2 (3) has, other than as a consumer, a financial
3 interest in a business entity related to the building construction
4 industry.

5 SECTION 6. Section 1301.154, Occupations Code, is amended
6 to read as follows:

7 Sec. 1301.154. TERMS. Advisory board [~~Board~~] members serve
8 staggered six-year terms.

9 SECTION 7. Section 1301.157, Occupations Code, is amended
10 to read as follows:

11 Sec. 1301.157. OFFICER [~~OFFICERS~~]. [~~(a)~~] The governor
12 shall designate a member of the advisory board as the presiding
13 officer of the board to serve in that capacity at the pleasure of
14 the governor.

15 [~~(b) The board shall elect a secretary from its membership.~~]

16 SECTION 8. Section 1301.158, Occupations Code, is amended
17 to read as follows:

18 Sec. 1301.158. COMPENSATION [~~PER DIEM, REIMBURSEMENT~~]. An
19 advisory [~~(a) A~~] board member may not receive compensation [~~a~~
20 ~~fixed salary~~] for service on the advisory board.

21 [~~(b) A board member is entitled to receive a per diem as set~~
22 ~~by the General Appropriations Act for each day the member engages in~~
23 ~~the business of the board.~~]

24 [~~(c) A board member may not receive reimbursement for travel~~
25 ~~expenses, including expenses for meals and lodging, other than~~
26 ~~transportation expenses. A member is entitled to reimbursement for~~
27 ~~transportation expenses as provided by the General Appropriations~~

1 ~~Act.~~]

2 SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is
3 amended by adding Section 1301.160 to read as follows:

4 Sec. 1301.160. DUTIES OF ADVISORY BOARD. The advisory
5 board shall provide advice and recommendations to the department on
6 technical matters relevant to the administration and enforcement of
7 this chapter, including examinations, licensing qualifications,
8 plumbing code requirements, supervision, and continuing education
9 requirements.

10 SECTION 10. The heading to Subchapter D, Chapter 1301,
11 Occupations Code, is amended to read as follows:

12 SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR AND OTHER BOARD~~]
13 PERSONNEL

14 SECTION 11. Section 1301.202, Occupations Code, is amended
15 to read as follows:

16 Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [~~EXAMINER~~].

17 (a) If an examination required for the issuance of a license,
18 endorsement, or certificate of registration under this chapter
19 contains a practical component, the department [~~The board~~] shall
20 employ or contract with one or more plumbing examiners to
21 administer that portion of the examination. [~~A plumbing examiner~~
22 ~~serves at the will of the board.~~] A plumbing examiner must:

23 (1) hold a license as a plumber issued under this
24 chapter; and

25 (2) be knowledgeable of this chapter and municipal
26 ordinances relating to plumbing[~~, and~~

27 [~~(3) be qualified by experience and training in~~

1 ~~plumbing practice~~].

2 (b) A plumbing examiner shall:

3 (1) examine the fitness and qualifications of a person
4 applying to the department ~~[board]~~ for a license as a master
5 plumber, journeyman plumber, tradesman plumber-limited license
6 holder, or plumbing inspector; and

7 (2) promptly certify the result of the examination to
8 the department ~~[board]~~.

9 SECTION 12. Section 1301.203, Occupations Code, is amended
10 to read as follows:

11 Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS.

12 (a) The department shall ~~[board may]~~ employ a field representative
13 to assist the department ~~[board]~~ in enforcing this chapter and
14 rules adopted under this chapter. A field representative must [+

15 ~~[(1) hold a license as a plumber under this chapter,~~

16 ~~[(2)]~~ be knowledgeable of this chapter and municipal
17 ordinances relating to plumbing[+, and

18 ~~[(3) be qualified by experience and training in~~
19 ~~plumbing practice]~~.

20 (b) A field representative may:

21 (1) conduct on-site license checks to determine
22 compliance with this chapter;

23 (2) investigate consumer complaints ~~[filed under~~
24 ~~Section 1301.303]~~; and

25 (3) assist municipal plumbing inspectors in enforcing
26 this chapter[+,

27 ~~[(4) issue citations as provided by Section 1301.502,~~

and

~~[(5) in the performance of the field representative's other duties under this chapter, check the license, registration, or endorsement of a person regulated by the Texas Department of Licensing and Regulation in accordance with the memorandum of understanding adopted under Section 1301.259 and report any noncompliance to that agency].~~

(c) For a department inspection or investigation that involves the quality of plumbing work, including whether the plumbing work complies with any applicable plumbing code requirements, the department shall employ or contract with a person who holds a license as a plumber under this chapter to conduct or assist in the inspection or investigation.

SECTION 13. The heading to Subchapter E, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ~~[BOARD]~~ POWERS AND DUTIES

SECTION 14. Sections 1301.251 and 1301.253, Occupations Code, are amended to read as follows:

Sec. 1301.251. GENERAL DUTIES ~~[OF BOARD]~~. The executive director or commission, as appropriate, [board] shall:

(1) administer this chapter; and

(2) adopt and enforce rules necessary to administer this chapter, including requirements for the issuance and renewal of a license, endorsement, or certificate of registration under this chapter ~~[, and~~

~~[(3) keep a record of each proceeding conducted before and action taken by the board].~~

1 Sec. 1301.253. FEES. The commission [~~board~~] shall set fees
2 under this chapter in amounts that are reasonable and necessary to
3 cover the cost of administering this chapter.

4 SECTION 15. Sections 1301.255(a), (b), (c), and (d),
5 Occupations Code, are amended to read as follows:

6 (a) The commission [~~board~~] shall adopt the following
7 plumbing codes, as those codes existed on May 31, 2001:

8 (1) the Uniform Plumbing Code, as published by the
9 International Association of Plumbing and Mechanical Officials;
10 and

11 (2) the International Plumbing Code, as published by
12 the International Code Council.

13 (b) The commission [~~board~~] by rule may adopt later editions
14 of the plumbing codes listed in Subsection (a).

15 (c) Plumbing installed in an area not otherwise subject to
16 regulation under this chapter by a person licensed under this
17 chapter must be installed in accordance with a plumbing code
18 adopted by the commission [~~board~~] under Subsection (a) or (b).

19 (d) In adopting a code for the design, installation, and
20 maintenance of a plumbing system under this section, a municipality
21 or an owner of a public water system may amend any provisions of the
22 code to conform to local concerns that do not substantially vary
23 from commission [~~board~~] rules or other rules of this state.

24 SECTION 16. Section 1301.262, Occupations Code, is amended
25 to read as follows:

26 Sec. 1301.262. CODES [~~PLUMBING INSPECTOR CODE~~] OF CONDUCT.

27 (a) The commission [~~board~~] by rule shall establish a code of

1 conduct for licensed plumbing inspectors. The code of conduct
2 shall require a plumbing inspector to enforce this chapter and
3 commission [board] rules in a consistent manner across job sites.

4 (b) The commission by rule may establish standards of
5 conduct for a holder of a license, endorsement, or certificate of
6 registration issued under this chapter.

7 SECTION 17. Subchapter E, Chapter 1301, Occupations Code,
8 is amended by adding Section 1301.263 to read as follows:

9 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT.

10 (a) The department shall recognize, prepare, administer, or
11 arrange for the administration of an examination required by this
12 chapter.

13 (b) The department shall determine the minimum requirements
14 and passing score for an examination required by this chapter.

15 (c) If an examination required by this chapter contains a
16 practical component, the practical component must be administered
17 by a plumbing examiner as provided by Section 1301.202.

18 SECTION 18. The heading to Subchapter F, Chapter 1301,
19 Occupations Code, is amended to read as follows:

20 SUBCHAPTER F. PRACTICE BY LICENSE HOLDER [~~CONSUMER INTEREST~~
21 ~~INFORMATION AND COMPLAINT PROCEDURES~~]

22 SECTION 19. Section 1301.302, Occupations Code, is amended
23 to read as follows:

24 Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. A
25 written proposal, invoice, or contract relating to plumbing
26 services performed by or under the direction of a plumber licensed
27 under this chapter must contain the name and license number of the

1 plumbing contractor [~~responsible master plumber~~] and the name,
2 mailing address, and telephone number of the department [~~board~~].
3 The person who performed the services shall give the customer an
4 invoice or completed contract document on completion of the job,
5 regardless of whether the person charged a fee for performing the
6 services.

7 SECTION 20. Subchapter F, Chapter 1301, Occupations Code,
8 is amended by adding Section 1301.305 to read as follows:

9 Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR
10 PLUMBING WORK. (a) The commission by rule shall:

11 (1) require that, for each task involved in plumbing,
12 a master plumber:

13 (A) perform the task; or

14 (B) provide general or direct supervision of a
15 less experienced plumber who performs the task;

16 (2) require that each plumber's apprentice and
17 tradesman plumber-limited license holder perform plumbing under
18 the direct or general supervision of a more experienced plumber;

19 (3) specify the plumbing tasks that a plumber's
20 apprentice or tradesman plumber-limited license holder must
21 perform under direct supervision and the plumbing tasks a plumber's
22 apprentice or tradesman plumber-limited license holder must
23 perform under general supervision;

24 (4) specify the amount of classroom training meeting
25 the requirements of Subsection (b), practical plumbing experience,
26 or a combination of that training and experience necessary to:

27 (A) exempt a plumber from the direct supervision

1 requirements under this section; and

2 (B) permit the plumber to perform the plumbing
3 under general supervision;

4 (5) require a plumber, other than a master plumber, to
5 document the plumber's:

6 (A) classroom training that meets the
7 requirements of Subsection (b); and

8 (B) practical plumbing experience; and

9 (6) require the plumbing contractor, and supervising
10 plumber, if any, to assume responsibility for plumbing performed,
11 including the quality of the plumbing and the supervision of less
12 experienced plumbers.

13 (b) Notwithstanding the minimum requirements for a
14 continuing education program or instructor established under this
15 chapter, the commission by rule shall establish minimum
16 requirements for classroom training, other than a continuing
17 education program under this chapter, that, if successfully
18 completed and documented by a plumber, the department shall credit
19 toward:

20 (1) the necessary classroom training required to:

21 (A) exempt the plumber from the direct
22 supervision requirements under this section; and

23 (B) permit the plumber to perform specified
24 plumbing tasks under general supervision;

25 (2) the continuing education required under this
26 chapter to renew a license, endorsement, or certificate of
27 registration, as applicable to the plumber; and

1 (3) the eligibility requirements for a license under
2 this chapter, as applicable to the plumber.

3 SECTION 21. Sections 1301.351(a), (a-1), and (c),
4 Occupations Code, are amended to read as follows:

5 (a) A person~~[, other than a responsible master plumber,]~~ may
6 not perform or offer to perform ~~[engage in]~~ plumbing for
7 compensation unless:

8 (1) the person holds:

9 (A) a plumbing contractor license; and

10 (B) the proper license, endorsement, or
11 certificate of registration~~[, or endorsement]~~ required by this
12 chapter to perform or supervise the performance of plumbing; [and]

13 (2) the person:

14 (A) is employed by a plumbing contractor;

15 (B) performs or supervises the plumbing on behalf
16 of the plumbing contractor; and

17 (C) holds the proper license, endorsement, or
18 certificate of registration required by this chapter; or

19 (3) the person offers to perform plumbing and
20 contracts with a plumbing contractor for the performance of the
21 plumbing ~~[the person's work is supervised and controlled by a~~
22 ~~person licensed under this chapter].~~

23 (a-1) A person may not act as a plumbing contractor
24 ~~[responsible master plumber]~~ unless the person holds the
25 appropriate license and meets the applicable requirements ~~[for a~~
26 ~~responsible master plumber]~~ under this chapter.

27 (c) A plumbing contractor ~~[license holder]~~ who is

1 supervising and controlling [~~under Subsection (a)(2)~~] the work of a
 2 person engaged in the business of plumbing in the construction of a
 3 new one-family or two-family dwelling in an unincorporated area of
 4 the state must have training and management responsibility for, and
 5 shall review and inspect, the person's work. The plumbing
 6 contractor [~~license holder~~] is not required to provide continuous
 7 or uninterrupted on-the-job oversight of the person's work.

8 SECTION 22. Subchapter G, Chapter 1301, Occupations Code,
 9 is amended by adding Section 1301.3515 to read as follows:

10 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
 11 LICENSE ISSUANCE. (a) The department shall require that an
 12 applicant for a license submit a complete and legible set of
 13 fingerprints, on a form prescribed by the executive director, to
 14 the department or to the Department of Public Safety for the purpose
 15 of obtaining criminal history record information from the
 16 Department of Public Safety and the Federal Bureau of
 17 Investigation.

18 (b) The department may not issue a license to a person who
 19 does not comply with the requirement of Subsection (a).

20 (c) The department shall conduct a criminal history record
 21 information check of each applicant for a license using
 22 information:

23 (1) provided by the individual under this section; and
 24 (2) made available to the department by the Department
 25 of Public Safety, the Federal Bureau of Investigation, and any
 26 other criminal justice agency under Chapter 411, Government Code.

27 (d) The department may:

1 (1) enter into an agreement with the Department of
2 Public Safety to administer a criminal history record information
3 check required under this section; and

4 (2) authorize the Department of Public Safety to
5 collect from each applicant the costs incurred by the Department of
6 Public Safety in conducting the criminal history record information
7 check.

8 SECTION 23. Section 1301.352, Occupations Code, is amended
9 to read as follows:

10 Sec. 1301.352. EXAMINATION REQUIRED. The department
11 [~~board~~] shall issue a license or endorsement as a master plumber,
12 journeyman plumber, plumbing inspector, tradesman plumber-limited
13 license holder, medical gas piping installation endorsement
14 holder, water supply protection specialist, or multipurpose
15 residential fire protection sprinkler specialist to a person who
16 demonstrates the fitness, competence, and qualifications to
17 receive the license or endorsement by passing a uniform, reasonable
18 examination.

19 SECTION 24. Section 1301.3522, Occupations Code, is amended
20 to read as follows:

21 Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The
22 department [~~board~~] shall develop a review course in English and
23 Spanish to assist license applicants in preparation for each
24 license examination offered by the department [~~board~~]. If the
25 department [~~board~~] provides the review course, the department
26 [~~board~~] may charge a fee to an applicant who applies to take the
27 review course.

(b) The department [~~board~~] may provide the review course training materials to private course providers for a fee determined by the commission [~~board~~].

SECTION 25. Section 1301.353, Occupations Code, is amended to read as follows:

Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The department [~~board~~] may not issue a plumbing inspector license to a person who has a financial or advisory interest in a plumbing company.

SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and (d), Occupations Code, are amended to read as follows:

(b) A person who has worked as a plumber's apprentice for a period established by law or commission [~~board~~] rule may apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder. Before the applicant may take the examination, the applicant must complete classroom training provided by a department-approved [~~board-approved~~] instructor in a department-approved [~~board-approved~~] training program in the areas of health and safety, applicable plumbing codes, and water conservation for at least:

(1) 24 hours if the applicant is applying to take a tradesman plumber-limited license holder examination; or

(2) 48 hours if the applicant is applying to take a journeyman plumber examination.

(b-1) At the applicant's request, the department [~~board~~] may credit an applicant under Subsection (b) with a number of hours determined by commission [~~board~~] rule against the number of hours

1 of work experience required to take an examination if the applicant
2 has received an associate of applied science degree from a plumbing
3 technology program that:

4 (1) includes a combination of classroom and on-the-job
5 training; and

6 (2) is approved by the department [~~board~~] and the
7 Texas Higher Education Coordinating Board.

8 (c) At the applicant's request, the department [~~board~~] may
9 credit an applicant under Subsection (b) with up to 1,000 hours of
10 the work experience required before taking an examination if the
11 applicant has completed the classroom portion of a training
12 program:

13 (1) approved by the United States Department of Labor,
14 Office of Apprenticeship; or

15 (2) provided by a person approved by the department
16 [~~board~~] and based on course materials approved by the department
17 [~~board~~].

18 (c-1) At the applicant's request, the department [~~board~~]
19 may credit an applicant under Subsection (b) with up to 250 hours of
20 the work experience required before taking an examination if the
21 applicant has completed a coherent sequence of courses in the
22 construction trade that are offered through a career and technical
23 education program that is approved by the State Board of Education.

24 (d) Notwithstanding the classroom training required by
25 Subsection (b), a plumber's apprentice may apply for and take an
26 examination for a license as a journeyman plumber or tradesman
27 plumber-limited license holder if the apprentice has received an

1 associate of applied science degree from a plumbing technology
2 program that:

3 (1) includes a combination of classroom and on-the-job
4 training; and

5 (2) is approved by the department [~~board~~] and the
6 Texas Higher Education Coordinating Board.

7 SECTION 27. Section 1301.3541, Occupations Code, is amended
8 to read as follows:

9 Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The
10 commission [~~board~~] by rule may adopt registration requirements for
11 plumber's apprentices, including training and education
12 requirements.

13 SECTION 28. Subchapter G, Chapter 1301, Occupations Code,
14 is amended by adding Section 1301.3542 to read as follows:

15 Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR
16 TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) The
17 department may credit an applicant who submits an application under
18 Section 1301.354(b) with a number of hours determined by commission
19 rule against the number of hours of work experience required to take
20 an examination under that section, if the applicant successfully
21 completes a coherent sequence of courses in the plumbing trade that
22 are offered through a career and technology education program in
23 accordance with Subchapter F, Chapter 29, Education Code.

24 (b) A student of any age enrolled in a high school is
25 eligible to take the sequence of courses described by Subsection
26 (a) without registering as a plumber's apprentice or paying any
27 registration fee. A person who is no longer enrolled in a high

1 school shall comply with the requirements of this chapter related
2 to the person's eligibility to apply for and take an examination for
3 a license issued under this chapter, including any registration or
4 fee requirements.

5 (c) The commission shall develop the courses described by
6 Subsection (a). The courses must be approved by the State Board of
7 Education.

8 (d) The courses must include an appropriate number of hours
9 of classroom instruction and a practical component. The department
10 may credit on-the-job training toward meeting the requirements
11 under the practical component.

12 (e) A person may not provide instruction in a career and
13 technology education program described by this section unless the
14 person is licensed under this chapter as a master plumber,
15 journeyman plumber, or plumbing inspector.

16 (f) A person described by Subsection (e) may provide the
17 instruction in a full-time or part-time capacity as an employee,
18 contractor, or volunteer of a high school.

19 (g) The commission may adopt rules necessary to implement
20 this section, including procedures to verify a student's successful
21 completion of the sequence of courses described by Subsection (a).

22 SECTION 29. Sections 1301.356(d) and (e), Occupations Code,
23 are amended to read as follows:

24 (d) An endorsement under this section coincides with rules
25 adopted by the executive commissioner of the Health and Human
26 Services Commission [~~Texas Department of Health~~].

27 (e) A plumbing inspector who meets the requirements of the

1 commission [~~board~~] may hold a medical gas endorsement and inspect
2 medical gas piping installations.

3 SECTION 30. Sections 1301.3565(b) and (f), Occupations
4 Code, are amended to read as follows:

5 (b) The department [~~board~~] shall issue an endorsement as a
6 multipurpose residential fire protection sprinkler specialist to a
7 person who:

8 (1) holds the license described by Subsection (a);

9 (2) applies to the department [~~board~~] on a form
10 prescribed by the department [~~board~~];

11 (3) pays a fee set by the commission [~~board~~];

12 (4) presents evidence satisfactory to the department
13 [~~board~~] of successful completion of a training program approved by
14 the department [~~board~~] that provides the training necessary for the
15 proper design and installation of a multipurpose residential fire
16 protection sprinkler system as required by the applicable codes and
17 standards recognized by the state; and

18 (5) passes an examination required by the department
19 [~~board~~].

20 (f) A plumbing inspector who meets the requirements of the
21 commission [~~board~~] may inspect a multipurpose residential fire
22 protection sprinkler installation.

23 SECTION 31. Section 1301.357(b), Occupations Code, is
24 amended to read as follows:

25 (b) The department [~~board~~] shall issue an endorsement as a
26 water supply protection specialist to a person who:

27 (1) is licensed under this chapter as a master plumber

1 or journeyman plumber;

2 (2) applies to the department [~~board~~] on a form
3 prescribed by the department [~~board~~];

4 (3) pays a fee set by the commission [~~board~~];

5 (4) presents evidence satisfactory to the department
6 [~~board~~] of successful completion of a certification program
7 approved by the department [~~board~~] for water supply protection
8 specialists; and

9 (5) passes an examination required by the department
10 [~~board~~].

11 SECTION 32. Section 1301.3575, Occupations Code, is amended
12 to read as follows:

13 Sec. 1301.3575. REGISTRATION OF PLUMBER'S APPRENTICES
14 [~~CERTAIN PERSONS~~]. The department [~~board~~] shall register a person
15 who complies with this chapter as a [~~drain cleaner, drain~~
16 ~~cleaner-restricted registrant, residential utilities installer,~~
17 ~~or~~] plumber's apprentice.

18 SECTION 33. Section 1301.3576, Occupations Code, is amended
19 to read as follows:

20 Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR
21 PLUMBING CONTRACTOR [~~RESPONSIBLE MASTER PLUMBER~~]. Before a
22 plumbing contractor offers or performs plumbing [~~master plumber~~
23 ~~works as a responsible master plumber~~], the plumbing contractor
24 [~~master plumber~~] must[+]

25 [(+)] provide the department [~~board~~] with a
26 certificate of insurance that meets the requirements of Section
27 1301.552[+, and

1 ~~[(2) present evidence satisfactory to the board of~~
2 ~~successful completion of a training program approved or~~
3 ~~administered by the board regarding the laws and rules applicable~~
4 ~~to the operation of a plumbing business in this state].~~

5 SECTION 34. Subchapter G, Chapter 1301, Occupations Code,
6 is amended by adding Sections 1301.3581 and 1301.360 to read as
7 follows:

8 Sec. 1301.3581. RECIPROCITY. (a) The commission or
9 department may issue a license, endorsement, or certificate of
10 registration under this chapter for an applicant who holds a
11 similar license, endorsement, or certificate issued by another
12 jurisdiction.

13 (b) An applicant under this section must:

14 (1) apply in the same manner and form as any other
15 applicant under this chapter; and

16 (2) provide the department with documents and other
17 evidence that substantiate the applicant's qualifications.

18 (c) An applicant for a license, endorsement, or certificate
19 of registration issued under this section may not be required to
20 undergo an examination to obtain the license, endorsement, or
21 certificate if the applicant has held an equivalent license,
22 endorsement, or certificate in another jurisdiction for at least
23 two years. The department in accordance with commission rules may
24 determine whether a license, endorsement, or certificate issued by
25 another jurisdiction is equivalent to a license, endorsement, or
26 certificate issued under this chapter.

27 Sec. 1301.360. TEMPORARY LICENSE. (a) The department may

1 issue a temporary license, endorsement, or certificate of
2 registration to an applicant as provided by Section 51.407.

3 (b) Notwithstanding Section 51.407, a temporary license
4 issued under this section expires on the 30th day after the date of
5 issuance and may not be renewed.

6 SECTION 35. Section 1301.401, Occupations Code, is amended
7 to read as follows:

8 Sec. 1301.401. [~~ANNUAL~~] RENEWAL REQUIRED. (a) A license
9 or certificate of registration under this chapter is valid for one
10 or two years as determined by commission rule [year]. On payment of
11 the required fee, a license may be renewed [~~annually~~].

12 (b) The commission [~~board~~] by rule shall establish the
13 requirements for renewing a license, endorsement, or certificate of
14 registration under this chapter and may adopt a system under which
15 licenses, endorsements, and certificates of registration
16 [~~registrations~~] expire on various dates during the year.

17 (c) An endorsement issued under Section 1301.356,
18 1301.3565, or 1301.357 expires on the date the master plumber or
19 journeyman plumber license of the endorsement holder expires. Any
20 continuing education requirement established by rule and
21 applicable to an endorsement issued under this chapter must be
22 completed before the endorsement holder may renew the endorsement.

23 SECTION 36. Sections 1301.404(a), (c), (d), (e), and (f),
24 Occupations Code, are amended to read as follows:

25 (a) The commission by rule [~~board~~] shall establish:

26 (1) minimum curriculum standards for [~~recognize,~~
27 ~~approve, and administer~~] continuing education programs and courses

1 for persons who hold a license [~~licenses~~] or endorsement issued
2 [~~endorsements~~] under this chapter; and

3 (2) minimum qualifications for an instructor of the
4 continuing education programs and courses described by Subdivision
5 (1).

6 (c) The department shall approve:

7 (1) a program or course that meets the minimum
8 curriculum standards established by the commission under
9 Subsection (a); and

10 (2) an instructor who meets the minimum qualifications
11 established by the commission under Subsection (a) [~~board by rule~~
12 ~~shall adopt the criteria for the continuing professional~~
13 ~~education~~].

14 (d) A person may receive credit for participating in a
15 continuing professional education program or course only if the
16 program or course is approved by the department [~~provided:~~

17 [~~(1) by an individual, business, or association~~
18 ~~approved by the board; and~~

19 [~~(2) according to criteria adopted by the board~~].

20 (e) A person may complete the continuing professional
21 education requirement of this section through a correspondence
22 course as approved by the department [~~board~~].

23 (f) The commission [~~board~~] by rule may exempt certain
24 persons from the requirements of this section if the commission
25 [~~board~~] determines that the exemption is in the public interest.

26 SECTION 37. Section 1301.405, Occupations Code, is amended
27 to read as follows:

1 Sec. 1301.405. [~~MANDATORY~~] TRAINING FOR PLUMBER'S
2 APPRENTICE [~~DRAIN CLEANER, DRAIN CLEANER-RESTRICTED REGISTRANT,~~
3 ~~AND RESIDENTIAL UTILITIES INSTALLER~~]. The commission by rule may
4 establish continuing education requirements for persons [~~(a) To~~
5 ~~renew the certificate of registration, a person~~] who hold [~~holds~~] a
6 certificate of registration under this chapter as a plumber's
7 apprentice [~~drain cleaner, drain cleaner-restricted registrant, or~~
8 ~~residential utilities installer must annually complete at least six~~
9 ~~hours of approved training that includes training in health and~~
10 ~~safety requirements, board-approved plumbing codes, and water~~
11 ~~conservation~~].

12 ~~[(b) A person may receive credit for participating in a~~
13 ~~training program only if the program is provided:~~

14 ~~[(1) by a person approved by the board, and~~

15 ~~[(2) according to criteria adopted by the board.~~

16 ~~[(c) The board by rule may exempt certain persons from the~~
17 ~~requirements of this section if the board determines that the~~
18 ~~exemption is in the public interest.]~~

19 SECTION 38. Sections 1301.406(a) and (c), Occupations Code,
20 are amended to read as follows:

21 (a) On approval by the department [~~board~~], a person who
22 holds an unexpired license under this chapter and whose license has
23 been held continuously for at least 35 consecutive years may
24 transfer the license number on the date of the person's retirement
25 or death to another person who:

26 (1) is related within the second degree by
27 consanguinity to the transferor; and

(2) holds a license issued under this chapter that is the same type of license as the license held by the transferor.

(c) The department [~~board~~] shall transfer a license number to a person who submits an application and presents evidence satisfactory to the department [~~board~~] that:

(1) the person meets the requirements under Subsections (a)(1) and (a)(2); and

(2) the transferor is retired or dead.

SECTION 39. The heading to Subchapter I, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION [~~PROCEDURES~~]

SECTION 40. Section 1301.452, Occupations Code, is amended to read as follows:

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. The commission, department, or executive director may enforce this chapter, a rule adopted under this chapter, or an order of the commission or executive director as provided by Chapter 51 [~~(a)—A person is subject to disciplinary action under Section 1301.451 if the person violates this chapter, an order issued by the board, or a board rule~~]. A violation of this chapter includes:

(1) attempting to obtain or obtaining a license, endorsement, or registration through [~~error or~~] fraud;

(2) wilfully, negligently, or arbitrarily violating a municipal rule or ordinance that regulates sanitation, drainage, or plumbing;

(3) making a misrepresentation of services provided or to be provided;

(4) making a false promise with the intent to induce a person to contract for a service; ~~or~~

(5) employing a person who does not hold a license or endorsement or who is not registered to engage in an activity for which a license, endorsement, or certificate of registration is required under this chapter;

(6) performing plumbing without holding the proper license, endorsement, or certificate of registration required by this chapter;

(7) offering to perform or performing plumbing for compensation without holding a plumbing contractor license, acting on behalf of a plumbing contractor, or contracting with a plumbing contractor to perform the offered plumbing;

(8) performing plumbing in violation of a plumbing code adopted under Section 1301.255; or

(9) failing to supervise plumbing as required by this chapter or commission rule.

~~[(b) Retesting procedures may be used to determine whether grounds exist for suspension or revocation of a license, endorsement, or registration due to incompetence or a wilful violation by a person licensed under this chapter.]~~

SECTION 41. Section 1301.501(b), Occupations Code, is amended to read as follows:

(b) The commission ~~board~~ shall adopt rules under this section that include a list describing the types of plumbing to which this section applies.

SECTION 42. Section 1301.502(a), Occupations Code, is

1 amended to read as follows:

2 (a) A [~~field representative,~~] water district plumbing
3 inspector[~~7~~] or, within the jurisdiction of the municipality,
4 municipal plumbing inspector may issue a citation to a person who
5 engages in conduct described by Section 1301.508.

6 SECTION 43. Sections 1301.507 and 1301.5071, Occupations
7 Code, are amended to read as follows:

8 Sec. 1301.507. CIVIL PENALTY. A person who violates this
9 chapter or a rule, permit, or order of the commission issued under
10 this chapter [~~board~~] is subject to a civil penalty of not less than
11 \$50 or more than \$1,000 for each act of violation and for each day of
12 violation after notice is provided to the person.

13 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
14 RESTITUTION. (a) The commission [~~board~~] by rule shall establish
15 procedures under which an informal settlement conference is
16 conducted to resolve a complaint against a person licensed under
17 this chapter.

18 (b) Subject to Subsection (c), the executive director
19 [~~board~~] may order a person licensed under this chapter to pay
20 restitution to a person as provided in an agreement resulting from
21 an informal settlement conference instead of or in addition to
22 assessing an administrative penalty [~~under Subchapter N~~].

23 (c) The amount of restitution ordered as provided by an
24 agreement resulting from an informal settlement conference may not
25 exceed the amount the person paid to the license holder for a
26 service regulated by this chapter. The executive director [~~board~~]
27 may not require payment of other damages or estimate harm in a

1 restitution order.

2 SECTION 44. Section 1301.551(g), Occupations Code, is
3 amended to read as follows:

4 (g) A [~~responsible master plumber~~,] plumbing contractor[,]
5 or other person who is required to obtain a permit under this
6 section is not required to pay a plumbing registration fee or
7 administrative fee in a municipality or any other political
8 subdivision.

9 SECTION 45. Section 1301.552, Occupations Code, is amended
10 to read as follows:

11 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
12 IN POLITICAL SUBDIVISION. A political subdivision that requires a
13 plumbing contractor [~~responsible master plumber~~] or an agent of a
14 plumbing contractor [~~responsible master plumber~~] to obtain a permit
15 before performing plumbing in the political subdivision shall
16 verify through the department's [~~board's~~] Internet website, or by
17 contacting the department [~~board~~] by telephone, that the plumbing
18 contractor [~~responsible master plumber~~] has on file with the
19 department [~~board~~] a certificate of insurance. The certificate of
20 insurance must:

21 (1) be written by an insurer authorized to engage in
22 the business of insurance in this state or an eligible surplus lines
23 insurer under Chapter 981 [~~, as defined by Section 981.002~~],
24 Insurance Code;

25 (2) provide for commercial general liability
26 insurance for the plumbing contractor [~~responsible master plumber~~]
27 for a claim for property damage or bodily injury, regardless of

1 whether the claim arises from negligence or on a contract; and

2 (3) provide coverage of not less than \$300,000 for all
3 claims arising in a one-year period.

4 SECTION 46. Sections 1301.652(a) and (b), Occupations Code,
5 are amended to read as follows:

6 (a) The department [~~board~~] and the Texas Workforce
7 Commission shall, through the local workforce development boards,
8 coordinate efforts to educate the public about the plumbing
9 profession and the resources available to employers for the
10 recruitment and training of plumbers, including providing:

11 (1) each local workforce development board with:

12 (A) information about the licensing requirements
13 for the plumbing profession; and

14 (B) available statistical data regarding
15 plumbing; and

16 (2) a link to each agency's Internet site and to the
17 Internet sites of other local workforce development boards.

18 (b) The department [~~board~~] may, during public and industry
19 awareness seminars, raise awareness of the career ladder in the
20 plumbing industry and the opportunities that plumbing
21 apprenticeships offer.

22 SECTION 47. Section 132.002(a), Education Code, is amended
23 to read as follows:

24 (a) The following schools or educational institutions may
25 be exempted from this chapter by the commission under Subsection
26 (d):

27 (1) a school or educational institution supported by

1 taxation from either a local or state source;

2 (2) a nonprofit school owned, controlled, operated,
3 and conducted by a bona fide religious, denominational,
4 eleemosynary, or similar public institution exempt from property
5 taxation under the laws of this state;

6 (3) a school or training program that offers
7 instruction of purely avocational or recreational subjects as
8 determined by the commission;

9 (4) a course or courses of instruction or study
10 sponsored by an employer for the training and preparation of its own
11 employees, and for which no tuition fee is charged to the student;

12 (5) a course or courses of study or instruction
13 sponsored by a recognized trade, business, or professional
14 organization for the instruction of the members of the organization
15 with a closed membership;

16 (6) a private college or university that awards a
17 recognized baccalaureate, or higher degree, and that maintains and
18 operates educational programs for which a majority of the credits
19 given are transferable to a college, junior college, or university
20 supported entirely or partly by taxation from either a local or
21 state source;

22 (7) a school or course that is otherwise regulated and
23 approved under and pursuant to any other law or rulemaking process
24 of this state or approved for continuing education credit by an
25 organization that accredits courses for the maintenance of a
26 license, except as provided by Subsection (c);

27 (8) an aviation school or instructor approved by and

1 under the supervision of the Federal Aviation Administration;

2 (9) a school that offers intensive review of a
3 student's acquired education, training, or experience to prepare
4 the student for an examination, other than a high school
5 equivalency examination, that the student by law may not take
6 unless the student has completed or substantially completed a
7 particular degree program, or that the student is required to take
8 as a precondition for enrollment in or admission to a particular
9 degree program;

10 (10) a private school offering primary or secondary
11 education, which may include a kindergarten or prekindergarten
12 program, and that satisfies the compulsory attendance requirements
13 of Section 25.085 pursuant to Section 25.086(a)(1);

14 (11) a course or courses of instruction by bona fide
15 electrical trade associations for the purpose of preparing students
16 for electrical tests required for licensing and for the purpose of
17 providing continuing education to students for the renewal of
18 electrical licenses;

19 (12) a nonprofit arts organization that has as its
20 primary purpose the provision of instruction in the dramatic arts
21 and the communications media to persons younger than 19 years of
22 age;

23 (13) a course or training program conducted by a
24 nonprofit association of air conditioning and refrigeration
25 contractors approved by the Air Conditioning and Refrigeration
26 Contractors Advisory Board to provide instruction for technical,
27 business, or license examination preparation programs relating to

1 air conditioning and refrigeration contracting, as that term is
2 defined by Chapter 1302, Occupations Code;

3 (14) a course of instruction by a plumbing trade
4 association to prepare students for a plumbing test or program
5 required for licensing, registration [~~certification~~], or
6 endorsement or to provide continuing education approved by the
7 Texas Department of Licensing and Regulation [~~State Board of~~
8 ~~Plumbing Examiners~~]; and

9 (15) a course of instruction in the use of
10 technological hardware or software if the course is offered to a
11 purchaser of the hardware or software or to the purchaser's
12 employee by a person who manufactures and sells, or develops and
13 sells, the hardware or software, and if the seller is not primarily
14 in the business of providing courses of instruction in the use of
15 the hardware or software, as determined by the commission.

16 SECTION 48. Section 411.122(d), Government Code, is amended
17 to read as follows:

18 (d) The following state agencies are subject to this
19 section:

20 (1) Texas Appraiser Licensing and Certification
21 Board;

22 (2) Texas Board of Architectural Examiners;

23 (3) Texas Board of Chiropractic Examiners;

24 (4) State Board of Dental Examiners;

25 (5) Texas Board of Professional Engineers;

26 (6) Texas Funeral Service Commission;

27 (7) Texas Board of Professional Geoscientists;

(8) Health and Human Services Commission [~~Department of State Health Services~~], except as provided by Section 411.110, and agencies attached to the commission [~~department~~], including:

(A) Texas State Board of Examiners of Marriage and Family Therapists;

(B) Texas State Board of Examiners of Professional Counselors; and

(C) Texas State Board of Social Worker Examiners;

(9) Texas Board of Professional Land Surveying;

(10) Texas Department of Licensing and Regulation, except as provided by Section 411.093;

(11) Texas Commission on Environmental Quality;

(12) Texas Board of Occupational Therapy Examiners;

(13) Texas Optometry Board;

(14) Texas State Board of Pharmacy;

(15) Texas Board of Physical Therapy Examiners;

(16) [~~Texas State Board of Plumbing Examiners,~~

~~(17) Texas State Board of Podiatric Medical Examiners,~~

~~(18)~~ Texas State Board of Examiners of Psychologists;

(17) [~~(19)~~] Texas Real Estate Commission;

(18) [~~(20)~~] Texas Department of Transportation;

(19) [~~(21)~~] State Board of Veterinary Medical Examiners;

(20) [~~(22)~~] Texas Department of Housing and Community Affairs;

- (21) [~~(23)~~] secretary of state;
- (22) [~~(24)~~] state fire marshal;
- (23) [~~(25)~~] Texas Education Agency;
- (24) [~~(26)~~] Department of Agriculture; and
- (25) [~~(27)~~] Texas Department of Motor Vehicles.

SECTION 49. Section 2054.352(a), Government Code, is amended to read as follows:

(a) The following licensing entities shall participate in the system established under Section 2054.353:

- (1) Texas Board of Chiropractic Examiners;
- (2) Judicial Branch Certification Commission;
- (3) State Board of Dental Examiners;
- (4) Texas Funeral Service Commission;
- (5) Texas Board of Professional Land Surveying;
- (6) Texas Medical Board;
- (7) Texas Board of Nursing;
- (8) Texas Optometry Board;
- (9) Department of Agriculture, for licenses issued under Chapter 1951, Occupations Code;
- (10) Texas State Board of Pharmacy;
- (11) Executive Council of Physical Therapy and Occupational Therapy Examiners;
- (12) ~~[Texas State Board of Plumbing Examiners;~~
- ~~[(13) Texas State Board of Podiatric Medical Examiners;~~
- ~~[(14)]~~ Texas State Board of Examiners of Psychologists;

(13) [~~(15)~~] State Board of Veterinary Medical
 Examiners;
 (14) [~~(16)~~] Texas Real Estate Commission;
 (15) [~~(17)~~] Texas Appraiser Licensing and
 Certification Board;
 (16) [~~(18)~~] Texas Department of Licensing and
 Regulation;
 (17) [~~(19)~~] Texas State Board of Public Accountancy;
 (18) [~~(20)~~] State Board for Educator Certification;
 (19) [~~(21)~~] Texas Board of Professional Engineers;
 (20) Health and Human Services Commission
 [~~(22) Department of State Health Services~~];
 (21) [~~(23)~~] Texas Board of Architectural Examiners;
 (22) [~~(24)~~] Texas Racing Commission;
 (23) [~~(25)~~] Texas Commission on Law Enforcement; and
 (24) [~~(26)~~] Texas Private Security Board.

SECTION 50. Sections 341.034(d) and (e), Health and Safety
 Code, are amended to read as follows:

(d) A person who inspects homes and businesses to identify
 potential or actual cross-connections or other contaminant hazards
 in public water systems must hold a license issued by the commission
 under Chapter 37, Water Code, unless the person is licensed by the
 Texas Department of Licensing and Regulation [~~State Board of
 Plumbing Examiners~~] as a plumbing inspector or water supply
 protection specialist.

(e) Unless the person is licensed by the Texas Department of
 Licensing and Regulation to perform plumbing [~~State Board of~~

1 ~~Plumbing Examiners~~], a person must hold a license issued by the
2 commission under Chapter 37, Water Code, if, under a contract, the
3 person:

4 (1) installs, exchanges, connects, maintains, or
5 services potable water treatment equipment and appliances in public
6 or private water systems; or

7 (2) analyzes water to determine how to treat influent
8 or effluent water, alter or purify water, or add or remove a
9 mineral, chemical, or bacterial content or substance as part of the
10 complete installation, exchange, connection, maintenance, or
11 service of potable water treatment equipment and appliances.

12 SECTION 51. Section 341.042(b-2), Health and Safety Code,
13 is amended to read as follows:

14 (b-2) A person who installs and maintains rainwater
15 harvesting systems that are connected to a public water supply
16 system and are used for potable purposes must be licensed by the
17 Texas Department of Licensing and Regulation [~~State Board of~~
18 ~~Plumbing Examiners~~] as a master plumber or journeyman plumber and
19 hold an endorsement issued by the department [~~board~~] as a water
20 supply protection specialist.

21 SECTION 52. Section 341.068(b), Health and Safety Code, is
22 amended to read as follows:

23 (b) The executive commissioner shall adopt rules to
24 implement Subsection (a), including a rule that in providing
25 sufficient restrooms a ratio of not less than 2:1 women's-to-men's
26 restrooms or other minimum standards established in consultation
27 with the Texas Department of Licensing and Regulation [~~State Board~~

1 ~~of Plumbing Examiners]~~ shall be maintained if the use of the
2 restrooms is designated by gender. The rules shall apply to
3 facilities where the public congregates and on which construction
4 is started on or after January 1, 1994, or on which structural
5 alterations, repairs, or improvements exceeding 50 percent of the
6 entire facility are undertaken on or after January 1, 1994.

7 SECTION 53. Section 372.003(d), Health and Safety Code, is
8 amended to read as follows:

9 (d) Rules adopted or amended under this section shall be
10 developed by the commission in conjunction with a technical
11 advisory panel of designated representatives of the Texas Water
12 Development Board and the Texas ~~[State Board of]~~ Plumbing Advisory
13 Board established under Subchapter C, Chapter 1301, Occupations
14 Code ~~[Examiners]~~.

15 SECTION 54. Sections 372.0035(f) and (h), Health and Safety
16 Code, are amended to read as follows:

17 (f) If a person licensed under Chapter 1301, Occupations
18 Code, violates this section, the Texas Department of Licensing and
19 Regulation ~~[State Board of Plumbing Examiners]~~ may discipline the
20 person ~~[under Subchapter I of that chapter]~~ as if a violation of
21 this section were a violation of Chapter 1301, Occupations Code
22 ~~[that chapter]~~.

23 (h) Within ~~[A field representative of the Texas State Board~~
24 ~~of Plumbing Examiners or, within]~~ the jurisdiction of a
25 municipality, a municipal plumbing inspector may issue a citation
26 to a person who violates this section.

27 SECTION 55. Section 233.154(a), Local Government Code, is

1 amended to read as follows:

2 (a) A person who builds new residential construction
3 described by Section 233.153 shall have the construction inspected
4 to ensure building code compliance in accordance with this section
5 as follows:

6 (1) for new residential construction on a vacant lot,
7 a minimum of three inspections must be performed during the
8 construction project to ensure code compliance, as applicable, at
9 the following stages of construction:

10 (A) the foundation stage, before the placement of
11 concrete;

12 (B) the framing and mechanical systems stage,
13 before covering with drywall or other interior wall covering; and

14 (C) on completion of construction of the
15 residence;

16 (2) for new residential construction of an addition to
17 an existing residence as described by Section 233.151(a)(2), the
18 inspections under Subdivision (1) must be performed as necessary
19 based on the scope of work of the construction project; and

20 (3) for new residential construction on a vacant lot
21 and for construction of an addition to an existing residence, the
22 builder:

23 (A) is responsible for contracting to perform the
24 inspections required by this subsection with:

25 (i) a licensed engineer;

26 (ii) a registered architect;

27 (iii) a professional inspector licensed by

1 the Texas Real Estate Commission;

2 (iv) a plumbing inspector employed by a
3 municipality and licensed by the Texas Department of Licensing and
4 Regulation [~~State Board of Plumbing Examiners~~];

5 (v) a building inspector employed by a
6 political subdivision; or

7 (vi) an individual certified as a
8 residential combination inspector by the International Code
9 Council; and

10 (B) may use the same inspector for all the
11 required inspections or a different inspector for each required
12 inspection.

13 SECTION 56. Section 113.081(d), Natural Resources Code, is
14 amended to read as follows:

15 (d) The commission by rule may exempt from Section
16 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed
17 by the Texas Department of Licensing and Regulation [~~State Board of~~
18 ~~Plumbing Examiners~~].

19 SECTION 57. Section 113.087(o), Natural Resources Code, is
20 amended to read as follows:

21 (o) The commission by rule may exempt from any provision of
22 this section:

23 (1) a journeyman or master plumber licensed by the
24 Texas Department of Licensing and Regulation [~~State Board of~~
25 ~~Plumbing Examiners~~];

26 (2) a person licensed under Chapter 1302, Occupations
27 Code; or

(3) company representatives, operations supervisors, or employees of a testing laboratory that was registered under former Section 113.135 prior to the effective date of this subsection.

SECTION 58. Section 113.097(j), Natural Resources Code, is amended to read as follows:

(j) The commission by rule may exempt from the insurance requirements of this section or adopt a reasonable alternative to those requirements for:

(1) a master or journeyman plumber licensed by the Texas Department of Licensing and Regulation [~~State Board of Plumbing Examiners~~]; or

(2) a person licensed under Chapter 1302, Occupations Code.

SECTION 59. Section 1903.002(b), Occupations Code, is amended to read as follows:

(b) The licensing requirements of this chapter do not apply to a person who is:

(1) licensed, endorsed, or registered by the Texas Department of Licensing and Regulation to perform plumbing [~~Texas State Board of Plumbing Examiners~~]; or

(2) a licensed engineer, registered architect, or registered landscape architect to the extent the person's acts are incidental to the pursuit of the person's profession.

SECTION 60. The following provisions of the Occupations Code are repealed:

(1) Sections 51.351(c) and (d);

- 1 (2) Section 1301.002(9-a);
- 2 (3) Section 1301.003;
- 3 (4) Section 1301.153;
- 4 (5) Section 1301.155;
- 5 (6) Section 1301.156;
- 6 (7) Section 1301.159;
- 7 (8) Section 1301.201;
- 8 (9) Section 1301.204;
- 9 (10) Section 1301.205;
- 10 (11) Section 1301.207;
- 11 (12) Section 1301.208;
- 12 (13) Section 1301.252;
- 13 (14) Section 1301.254;
- 14 (15) Section 1301.256;
- 15 (16) Section 1301.258, as added by Chapter 1276 (H.B.
- 16 3507), Acts of the 78th Legislature, Regular Session, 2003;
- 17 (17) Section 1301.258, as added by Chapter 819 (S.B.
- 18 282), Acts of the 78th Legislature, Regular Session, 2003;
- 19 (18) Section 1301.259;
- 20 (19) Section 1301.260;
- 21 (20) Section 1301.261;
- 22 (21) Section 1301.301;
- 23 (22) Section 1301.3015;
- 24 (23) Section 1301.303;
- 25 (24) Section 1301.304;
- 26 (25) Section 1301.351(a-2);
- 27 (26) Section 1301.3521;

- 1 (27) Section 1301.355;
- 2 (28) Section 1301.356(c);
- 3 (29) Section 1301.3565(c);
- 4 (30) Section 1301.357(c);
- 5 (31) Section 1301.358;
- 6 (32) Section 1301.3585;
- 7 (33) Section 1301.402;
- 8 (34) Section 1301.403;
- 9 (35) Section 1301.451;
- 10 (36) Section 1301.4521;
- 11 (37) Section 1301.4522;
- 12 (38) Section 1301.453;
- 13 (39) Section 1301.454;
- 14 (40) Section 1301.502(b);
- 15 (41) Section 1301.504;
- 16 (42) Section 1301.5045;
- 17 (43) Section 1301.505;
- 18 (44) Section 1301.506; and
- 19 (45) Subchapter N, Chapter 1301.

20 SECTION 61. (a) The Texas State Board of Plumbing
21 Examiners is abolished but continues in existence until September
22 1, 2020, for the sole purpose of transferring obligations,
23 property, rights, powers, and duties to the Texas Department of
24 Licensing and Regulation. The Texas Department of Licensing and
25 Regulation assumes all of the obligations, property, rights,
26 powers, and duties of the Texas State Board of Plumbing Examiners as
27 they exist immediately before the effective date of this Act. All

1 unexpended funds appropriated to the Texas State Board of Plumbing
2 Examiners are transferred to the Texas Department of Licensing and
3 Regulation.

4 (b) The Texas State Board of Plumbing Examiners and the
5 Texas Department of Licensing and Regulation shall, in consultation
6 with appropriate state entities, ensure that the transfer of the
7 obligations, property, rights, powers, and duties of the Texas
8 State Board of Plumbing Examiners to the Texas Department of
9 Licensing and Regulation is completed not later than September 1,
10 2020.

11 (c) All rules of the Texas State Board of Plumbing Examiners
12 are continued in effect as rules of the Texas Department of
13 Licensing and Regulation until superseded by a rule of the Texas
14 Department of Licensing and Regulation. A license, endorsement, or
15 certificate of registration issued by the Texas State Board of
16 Plumbing Examiners is continued in effect as provided by the law in
17 effect immediately before the effective date of this Act. An
18 application for a license, endorsement, or certificate of
19 registration pending on the effective date of this Act is continued
20 without change in status after the effective date of this Act. A
21 complaint, investigation, contested case, or other proceeding
22 pending on the effective date of this Act is continued without
23 change in status after the effective date of this Act.

24 (d) Unless the context indicates otherwise, a reference to
25 the Texas State Board of Plumbing Examiners in a law or
26 administrative rule means the Texas Department of Licensing and
27 Regulation.

SECTION 62. Notwithstanding any other provision of this Act:

(1) the authorization of a person holding a designation on September 1, 2019, to act as a responsible master plumber continues in effect until September 1, 2020;

(2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until September 1, 2020; and

(3) a person holding a designation to act as a responsible master plumber on September 1, 2019, may apply at no cost to the person for a plumbing contractor license until September 1, 2020, and after September 1, 2020, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license.

SECTION 63. (a) Not later than December 1, 2019, the governor shall appoint members to the Texas Plumbing Advisory Board in accordance with Section 1301.151, Occupations Code, as amended by this Act. A member whose term expired under Section 61 of this Act is eligible for appointment to the advisory board.

(b) The members of the Texas State Board of Plumbing Examiners whose terms expire under Section 61 of this Act shall continue to provide advice to the Texas Department of Licensing and Regulation until a majority of the members of the advisory board are appointed under Subsection (a) of this section and qualified.

SECTION 64. (a) Not later than:

(1) September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record

1 information using a person's name, date of birth, and other
2 alphanumeric identifiers on each person who:

3 (A) on September 1, 2019, holds a license issued
4 under Chapter 1301, Occupations Code; and

5 (B) did not undergo a criminal history record
6 information check based on the person's name or fingerprints on
7 submission of the person's initial license application; and

8 (2) September 1, 2023, the Texas Department of
9 Licensing and Regulation shall obtain criminal history record
10 information using a person's fingerprints on each person who:

11 (A) on September 1, 2019, holds a license issued
12 under Chapter 1301, Occupations Code; and

13 (B) did not undergo a criminal history record
14 information check based on the person's fingerprints on submission
15 of the person's initial license application.

16 (b) The Texas Department of Licensing and Regulation may
17 suspend the license of a person who holds a license under Chapter
18 1301, Occupations Code, who does not comply with a request by the
19 department to provide information or fingerprints, in a form and
20 manner prescribed by the department, that would enable the
21 department to obtain criminal history record information as
22 required by this section.

23 SECTION 65. (a) A violation of a law that is repealed by
24 this Act is governed by the law in effect when the violation was
25 committed, and the former law is continued in effect for that
26 purpose.

27 (b) For purposes of this section, a violation was committed

1 before September 1, 2019, if any element of the violation occurred
2 before that date.

3 SECTION 66. To the extent of any conflict, this Act prevails
4 over another Act of the 86th Legislature, Regular Session, 2019,
5 relating to nonsubstantive additions to and corrections in enacted
6 codes.

7 SECTION 67. This Act takes effect September 1, 2019.

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SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a) to read as follows:

(1) "Advisory board" [~~"Board"~~] means the Texas [~~State Board of~~] Plumbing Advisory Board established under Subchapter C [~~Examiners~~].

(1-a) "Commission" means the Texas Commission of Licensing and Regulation.

(1-b) "Control valve" means a valve that operates each time water is supplied to, or shut off from, a receptacle or plumbing fixture. The term does not include a stop valve that may be installed in the water supply branch to the control valve.

(1-c) "Department" means the Texas Department of Licensing and Regulation.

(2) [~~(1-b)~~] "Executive director" means the executive director of the department [~~Texas State Board of Plumbing Examiners~~].

(3) "Drain cleaning" [~~(2) "Drain cleaner"~~] means [~~a person who~~]:

(A) installing [~~has completed at least 4,000 hours working under the supervision of a responsible master plumber as a drain cleaner restricted registrant;~~

[~~(B) has fulfilled the requirements of and is registered with the board; and~~

[~~(C) — installs~~] cleanouts and removing [~~removes~~] and resetting [~~resets~~] p-traps to eliminate obstructions in building drains and sewers under the supervision of a [~~responsible~~] master plumber; or

(B) clearing[-

HOUSE VERSION (IE)

SECTION 1. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (1-b), (2), (3), (4), (5), (6), (8), (9), (10), and (11) and adding Subdivisions (1-c) and (7-a).

Same as Senate version except adds (10)(a)(ii) as follows:

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SECTION 1. Same as Senate version.

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~~[(3) "Drain cleaner restricted registrant" means a person who:~~

~~[(A) has worked as a plumber's apprentice under the supervision of a responsible master plumber;~~

~~[(B) has fulfilled the requirements of and is registered with the board; and~~

~~[(C) clears]~~ obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a ~~[responsible]~~ master plumber.

(4) "Journeyman plumber" means a person licensed under this chapter who:

(A) has met the qualifications for registration as a plumber's apprentice or for licensing as a tradesman plumber-limited license holder;

(B) has completed at least 8,000 hours working under the supervision of a ~~[responsible]~~ master plumber;

(C) installs, changes, repairs, services, or renovates plumbing or supervises any of those activities under the supervision of a ~~[responsible]~~ master plumber;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission ~~[board]~~.

(5) "Master plumber" means a person licensed under this chapter who:

(A) is skilled in the design, planning, and superintending of plumbing and in the practical installation, repair, and servicing of plumbing;

(B) has worked as a journeyman plumber:

(i) for at least four years; or

(ii) for at least one year and has successfully completed a training program approved by the United States Department of Labor Office of Apprenticeship or another nationally

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recognized apprentice training program accepted by the commission ~~[board]~~;

(C) performs or supervises plumbing work;

(D) has passed the required examination; and

(E) has fulfilled the other requirements of the commission ~~[board]~~.

(6) "Plumber's apprentice" means a person other than a master plumber, journeyman plumber, or tradesman plumber-limited license holder who:

(A) [;] as the person's principal occupation, learns about and assists in the installation of plumbing, including drain cleaning and residential utilities installation;

(B) has fulfilled the requirements of the commission and is registered by the department;~~[board;]~~ and

(C) works under the supervision of a [responsible] master plumber ~~[and the direct supervision of a licensed plumber]~~.

(7-a) "Plumbing contractor" means a person licensed as a plumbing contractor under this chapter who:

(A) is a master plumber, or employs a master plumber, for the purpose of offering and performing plumbing work that will be performed or supervised by the master plumber;

(B) is authorized to obtain permits for plumbing work;

(C) assumes responsibility for plumbing work performed for compensation paid to the person; and

(D) has submitted a certificate of insurance as required by Section 1301.3576.

(8) "Plumbing inspector" means a person who:

(A) is employed by a political subdivision or state agency, or contracts as an independent contractor with a political subdivision or state agency, to inspect plumbing in connection with health and safety laws, including ordinances, and plumbing and gas codes;

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(B) has passed the required examination; and
(C) has fulfilled the other requirements of the commission ~~[board]~~.

(9) "Residential utilities installation" ~~["Residential utilities installer"]~~ means constructing and installing ~~[a person who: (A) has completed at least 2,000 hours working under the supervision of a master plumber as a plumber's apprentice; (B) has fulfilled the requirements of and is registered with the board; and~~

~~[(C) constructs and installs]~~ yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a ~~[responsible]~~ master plumber.

(10) "Tradesman plumber-limited license holder" means a person who:

(A) has completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice;

(B) has passed the required examination;
(C) constructs and installs plumbing for one-family or two-family dwellings under the supervision of a ~~[responsible]~~ master plumber; and

(D) has fulfilled the other requirements of the commission ~~[board]~~.

(11) "Water supply protection specialist" means a person who holds an endorsement issued by the department ~~[board]~~ to engage in:

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(10) "Tradesman plumber-limited license holder" means a person who:

(A) has:

(i) completed at least 4,000 hours working under the direct supervision of a journeyman or master plumber as a plumber's apprentice; or

(ii) successfully completed a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program, as described by Section 1301.3542; [FA1(1)]

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(A) customer service inspections, as defined by rule of the Texas Commission on Environmental Quality; and (B) the installation, service, and repair of plumbing associated with the treatment, use, and distribution use of rainwater to supply a plumbing fixture or appliance.		
<i>No equivalent provision.</i>	SECTION __. Section 1301.003, Occupations Code, is amended. [FA2(1)]	Same as Senate version.
SECTION 2. Sections 1301.056 and 1301.057, Occupations Code, are amended.	SECTION 2. Same as Senate version.	SECTION 2. Same as Senate version.
SECTION 3. The heading to Subchapter C, Chapter 1301, Occupations Code, is amended.	SECTION 3. Same as Senate version.	SECTION 3. Same as Senate version.
SECTION 4. Section 1301.151, Occupations Code, is amended.	SECTION 4. Same as Senate version.	SECTION 4. Same as Senate version.
SECTION 5. Section 1301.152, Occupations Code, is amended.	SECTION 5. Same as Senate version.	SECTION 5. Same as Senate version.
SECTION 6. Section 1301.154, Occupations Code, is amended.	SECTION 6. Same as Senate version.	SECTION 6. Same as Senate version.

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SECTION 7. Section 1301.157, Occupations Code, is amended.	SECTION 7. Same as Senate version.	SECTION 7. Same as Senate version.
SECTION 8. Section 1301.158, Occupations Code, is amended.	SECTION 8. Same as Senate version.	SECTION 8. Same as Senate version.
SECTION 9. Subchapter C, Chapter 1301, Occupations Code, is amended by adding Section 1301.160 to read as follows: <u>Sec. 1301.160. DUTIES OF ADVISORY BOARD.</u>	SECTION 9. Same as Senate version.	SECTION 9. Same as Senate version.
SECTION 10. The heading to Subchapter D, Chapter 1301, Occupations Code, is amended.	SECTION 10. Same as Senate version.	SECTION 10. Same as Senate version.
SECTION 11. Section 1301.202, Occupations Code, is amended.	SECTION 11. Same as Senate version.	SECTION 11. Same as Senate version.
SECTION 12. Section 1301.203, Occupations Code, is amended.	SECTION 12. Same as Senate version.	SECTION 12. Same as Senate version.
SECTION 13. The heading to Subchapter E, Chapter 1301, Occupations Code, is amended.	SECTION 13. Same as Senate version.	SECTION 13. Same as Senate version.

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SECTION 14. Sections 1301.251 and 1301.253, Occupations Code, are amended.	SECTION 14. Same as Senate version.	SECTION 14. Same as Senate version.
SECTION 15. Sections 1301.255(a), (b), (c), and (d), Occupations Code, are amended.	SECTION 15. Same as Senate version.	SECTION 15. Same as Senate version.
SECTION 16. Section 1301.262, Occupations Code, is amended.	SECTION 16. Same as Senate version.	SECTION 16. Same as Senate version.
SECTION 17. Subchapter E, Chapter 1301, Occupations Code, is amended.	SECTION 17. Same as Senate version.	SECTION 17. Same as Senate version.
SECTION 18. The heading to Subchapter F, Chapter 1301, Occupations Code, is amended.	SECTION 18. Same as Senate version.	SECTION 18. Same as Senate version.
SECTION 19. Section 1301.302, Occupations Code, is amended.	SECTION 19. Same as Senate version.	SECTION 19. Same as Senate version.
SECTION 20. Subchapter F, Chapter 1301, Occupations Code, is amended.	SECTION 20. Same as Senate version.	SECTION 20. Same as Senate version.
SECTION 21. Sections 1301.351(a), (a-1), and (c), Occupations Code, are amended.	SECTION 21. Same as Senate version.	SECTION 21. Same as Senate version.

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SECTION 22. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3515 to read as follows: <u>CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE.</u>	SECTION 22. Same as Senate version.	SECTION 22. Same as Senate version.
SECTION 23. Section 1301.352, Occupations Code, is amended.	SECTION 23. Same as Senate version.	SECTION 23. Same as Senate version.
SECTION 24. Section 1301.3522, Occupations Code, is amended.	SECTION 24. Same as Senate version.	SECTION 24. Same as Senate version.
SECTION 25. Section 1301.353, Occupations Code, is amended.	SECTION 25. Same as Senate version.	SECTION 25. Same as Senate version.
SECTION 26. Sections 1301.354(b), (b-1), (c), (c-1), and (d), Occupations Code, are amended.	SECTION 26. Same as Senate version.	SECTION 26. Same as Senate version.
SECTION 27. Section 1301.3541, Occupations Code, is amended.	SECTION 27. Same as Senate version.	SECTION 27. Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Section 1301.3542 to read as follows:	SECTION 28. Same as House version except for (a) and (b) as follows:

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Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) *Notwithstanding Section 1301.354, a person who*

successfully completes a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program in accordance with Subchapter F, Chapter 29, Education Code, *may apply for and take an examination for a license as a tradesman plumber-limited license holder. The department may not require the person to register as a plumber's apprentice, pay any fee, or comply with Section 1301.354 or any other requirement of this chapter that applies to a person's eligibility to apply for and take the examination.*

(b) A student of any age enrolled in a high school is eligible to take the sequence of courses described by Subsection (a) without registering as a plumber's apprentice, paying any registration fee, *or complying with Section 1301.354 or any other requirement of this chapter that applies to enrolling or participating in those courses.*

(c) *If an applicant described by Subsection (a) successfully passes the examination for a license as a tradesman*

Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a) *The department may credit an applicant who submits an application under Section 1301.354(b) with a number of hours determined by commission rule against the number of hours of work experience required to take an examination under that section, if the applicant*
successfully completes a coherent sequence of courses in the plumbing trade that are offered through a career and technology education program in accordance with Subchapter F, Chapter 29, Education Code.

(b) A student of any age enrolled in a high school is eligible to take the sequence of courses described by Subsection (a) without registering as a plumber's apprentice or paying any registration fee.

A person who is no longer enrolled in a high school shall comply with the requirements of this chapter related to the person's eligibility to apply for and take an examination for a license issued under this chapter, including any registration or fee requirements.

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plumber-limited license holder, the department shall issue the license to the applicant.

[The conference committee may have exceeded the limitations imposed on its jurisdiction, but only the presiding officer can make the final determination on this issue.]

- (d) The commission shall develop the courses described by Subsection (a). The courses must be approved by the State Board of Education.
- (e) The courses must include an appropriate number of hours of classroom instruction and a practical component. The department may credit on-the-job training toward meeting the requirements under the practical component.
- (f) A person may not provide instruction in a career and technology education program described by this section unless the person is licensed under this chapter as a master plumber, journeyman plumber, or plumbing inspector.
- (g) A person described by Subsection (f) may provide the instruction in a full-time or part-time capacity as an employee, contractor, or volunteer of a high school.
- (h) The commission may adopt rules necessary to implement this section, including procedures to verify a student's successful completion of the sequence of courses described by Subsection (a). [FA1(2)]

(c)-(g) Same as House version (d)-(h).

SECTION 28. Sections 1301.356(d) and (e), Occupations Code, are amended.

SECTION 28. Same as Senate version.

SECTION 29. Same as Senate version.

SECTION 29. Sections 1301.3565(b) and (f), Occupations Code, are amended.

SECTION 29. Same as Senate version.

SECTION 30. Same as Senate version.

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SECTION 30. Section 1301.357(b), Occupations Code, is amended.	SECTION 30. Same as Senate version.	SECTION 31. Same as Senate version.
SECTION 31. Section 1301.3575, Occupations Code, is amended.	SECTION 31. Same as Senate version.	SECTION 32. Same as Senate version.
SECTION 32. Section 1301.3576, Occupations Code, is amended.	SECTION 32. Same as Senate version.	SECTION 33. Same as Senate version.
SECTION 33. Subchapter G, Chapter 1301, Occupations Code, is amended by adding Sections 1301.3581 and 1301.360 to read as follows: <u>Sec. 1301.3581. RECIPROCITY.</u> <u>Sec. 1301.360. TEMPORARY LICENSE.</u>	SECTION 33. Same as Senate version.	SECTION 34. Same as Senate version.
SECTION 34. Section 1301.401, Occupations Code, is amended to read as follows: Sec. 1301.401. [ANNUAL] RENEWAL REQUIRED. (a) A license or <u>certificate</u> of registration under this chapter is valid for one or two years as determined by commission rule [year]. On payment of the required fee, a license may be renewed [annually]. (b) The <u>commission</u> [board] by rule <u>shall establish the requirements for renewing a license, endorsement, or certificate of registration under this chapter and</u> may adopt a system under which licenses, endorsements, and <u>certificates</u>	SECTION 34. Same as Senate version except also adds (d) as follows:	SECTION 35. Same as Senate version.

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of registration [~~registrations~~] expire on various dates during the year.

(c) An endorsement issued under Section 1301.356, 1301.3565, or 1301.357 expires on the date the master plumber or journeyman plumber license of the endorsement holder expires. Any continuing education requirement established by rule and applicable to an endorsement issued under this chapter must be completed before the endorsement holder may renew the endorsement.

SECTION 35. Sections 1301.404(a), (c), (d), (e), and (f), Occupations Code, are amended to read as follows:

(a) The commission by rule [~~board~~] shall establish:

(1) minimum curriculum standards for [~~recognize, approve, and administer~~] continuing education programs and courses for persons who hold a license [~~licenses~~] or endorsement issued [~~endorsements~~] under this chapter; and

(2) minimum qualifications for an instructor of the continuing education programs and courses described by Subdivision (1).

(c) The department shall approve:

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(d) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, is not required to pay a fee to renew the person's license under this chapter.
[FA1(3)]

SECTION 35. Section 1301.404, Occupations Code, is amended by amending Subsections (a), (c), (d), (e), and (f) and adding Subsection (g) to read as follows: [FA1(4)]

Same as Senate version except also adds (g) as follows:

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SECTION 36. Same as Senate version.

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(1) a program or course that meets the minimum curriculum standards established by the commission under Subsection (a); and

(2) an instructor who meets the minimum qualifications established by the commission under Subsection (a) [board by rule shall adopt the criteria for the continuing professional education].

(d) A person may receive credit for participating in a continuing professional education program or course only if the program or course is approved by the department [provided:

~~[(1) by an individual, business, or association approved by the board; and~~

~~[(2) according to criteria adopted by the board].~~

(e) A person may complete the continuing professional education requirement of this section through a correspondence course as approved by the department [board].

(f) The commission [board] by rule may exempt certain persons from the requirements of this section if the commission [board] determines that the exemption is in the public interest.

HOUSE VERSION (IE)

CONFERENCE

(g) A person who is employed by, under contract with, or engaged as a volunteer by a school to provide instruction in a career and technology education program described by Section 1301.3542 and provides meaningful course instruction in the program, as determined in accordance with rules adopted under Section 1301.407, may renew the person's license and any endorsement without complying with Subsection (b) if the person completes the hours of continuing professional education required by that subsection every three years. [FA1(5)]

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 36. Section 1301.405, Occupations Code, is amended.	SECTION 36. Same as Senate version.	SECTION 37. Same as Senate version.
SECTION 37. Sections 1301.406(a) and (c), Occupations Code, are amended.	SECTION 37. Same as Senate version.	SECTION 38. Same as Senate version.
<i>No equivalent provision.</i>	SECTION __. Subchapter H, Chapter 1301, Occupations Code, is amended by adding Section 1301.407 to read as follows: <u>Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN EXEMPTIONS. The commission, in consultation with the State Board of Education, may adopt rules as necessary to verify whether a person qualifies for an exemption from the required renewal fee, as described by Section 1301.401(d), or an exemption from required continuing professional education, as described by Section 1301.404(g), including rules for obtaining and evaluating written verification from the applicable school of the person's provision of meaningful course instruction in a career and technology education program described by Section 1301.3542. [FA1(6)]</u>	Same as Senate version.
SECTION 38. The heading to Subchapter I, Chapter 1301, Occupations Code, is amended.	SECTION 38. Same as Senate version.	SECTION 39. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 39. Section 1301.452, Occupations Code, is amended.	SECTION 39. Same as Senate version.	SECTION 40. Same as Senate version.
SECTION 40. Section 1301.501(b), Occupations Code, is amended.	SECTION 40. Same as Senate version.	SECTION 41. Same as Senate version.
SECTION 41. Section 1301.502(a), Occupations Code, is amended.	SECTION 41. Same as Senate version.	SECTION 42. Same as Senate version.
SECTION 42. Sections 1301.507 and 1301.5071, Occupations Code, are amended.	SECTION 42. Same as Senate version.	SECTION 43. Same as Senate version.
SECTION 43. Section 1301.551(g), Occupations Code, is amended.	SECTION 43. Same as Senate version.	SECTION 44. Same as Senate version.
SECTION 44. Section 1301.552, Occupations Code, is amended.	SECTION 44. Same as Senate version.	SECTION 45. Same as Senate version.
SECTION 45. Sections 1301.652(a) and (b), Occupations Code, are amended.	SECTION 45. Same as Senate version.	SECTION 46. Same as Senate version.
SECTION 46. Section 132.002(a), Education Code, is amended.	SECTION 46. Same as Senate version.	SECTION 47. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 47. Section 411.122(d), Government Code, is amended.	SECTION 47. Same as Senate version.	SECTION 48. Same as Senate version.
SECTION 48. Section 2054.352(a), Government Code, is amended.	SECTION 48. Same as Senate version.	SECTION 49. Same as Senate version.
SECTION 49. Sections 341.034(d) and (e), Health and Safety Code, are amended.	SECTION 49. Same as Senate version.	SECTION 50. Same as Senate version.
SECTION 50. Section 341.042(b-2), Health and Safety Code, is amended.	SECTION 50. Same as Senate version.	SECTION 51. Same as Senate version.
SECTION 51. Section 341.068(b), Health and Safety Code, is amended.	SECTION 51. Same as Senate version.	SECTION 52. Same as Senate version.
SECTION 52. Section 372.003(d), Health and Safety Code, is amended.	SECTION 52. Same as Senate version.	SECTION 53. Same as Senate version.
SECTION 53. Sections 372.0035(f) and (h), Health and Safety Code, are amended.	SECTION 53. Same as Senate version.	SECTION 54. Same as Senate version.
SECTION 54. Section 233.154(a), Local Government Code, is amended.	SECTION 54. Same as Senate version.	SECTION 55. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
SECTION 55. Section 113.081(d), Natural Resources Code, is amended.	SECTION 55. Same as Senate version.	SECTION 56. Same as Senate version.
SECTION 56. Section 113.087(o), Natural Resources Code, is amended.	SECTION 56. Same as Senate version.	SECTION 57. Same as Senate version.
SECTION 57. Section 113.097(j), Natural Resources Code, is amended.	SECTION 57. Same as Senate version.	SECTION 58. Same as Senate version.
SECTION 58. Section 1903.002(b), Occupations Code, is amended.	SECTION 58. Same as Senate version.	SECTION 59. Same as Senate version.
SECTION 59. The following provisions of the Occupations Code are repealed: (1) Sections 51.351(c) and (d); (2) Section 1301.002(9-a); (3) Section 1301.003 ; (4) Section 1301.153; (5) Section 1301.155; (6) Section 1301.156; (7) Section 1301.159; (8) Section 1301.201; (9) Section 1301.204; (10) Section 1301.205; (11) Section 1301.207; (12) Section 1301.208; (13) Section 1301.252; (14) Section 1301.254;	SECTION 59. The following provisions of the Occupations Code are repealed: (1) Sections 51.351(c) and (d); (2) Section 1301.002(9-a); (3) [Deleted by FA2(2)] (4) Section 1301.153; (5) Section 1301.155; (6) Section 1301.156; (7) Section 1301.159; (8) Section 1301.201; (9) Section 1301.204; (10) Section 1301.205; (11) Section 1301.207; (12) Section 1301.208; (13) Section 1301.252; (14) Section 1301.254;	SECTION 60. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION	HOUSE VERSION (IE)	CONFERENCE
(15) Section 1301.256;	(15) Section 1301.256;	
(16) Section 1301.258, as added by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular Session, 2003;	(16) Section 1301.258, as added by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular Session, 2003;	
(17) Section 1301.258, as added by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular Session, 2003;	(17) Section 1301.258, as added by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular Session, 2003;	
(18) Section 1301.259;	(18) Section 1301.259;	
(19) Section 1301.260;	(19) Section 1301.260;	
(20) Section 1301.261;	(20) Section 1301.261;	
(21) Section 1301.301;	(21) Section 1301.301;	
(22) Section 1301.3015;	(22) Section 1301.3015;	
(23) Section 1301.303;	(23) Section 1301.303;	
(24) Section 1301.304;	(24) Section 1301.304;	
(25) Section 1301.351(a-2);	(25) Section 1301.351(a-2);	
(26) Section 1301.3521;	(26) Section 1301.3521;	
(27) Section 1301.355;	(27) Section 1301.355;	
(28) Section 1301.356(c);	(28) Section 1301.356(c);	
(29) Section 1301.3565(c);	(29) Section 1301.3565(c);	
(30) Section 1301.357(c);	(30) Section 1301.357(c);	
(31) Section 1301.358;	(31) Section 1301.358;	
(32) Section 1301.3585;	(32) Section 1301.3585;	
(33) Section 1301.402;	(33) Section 1301.402;	
(34) Section 1301.403;	(34) Section 1301.403;	
(35) Section 1301.451;	(35) Section 1301.451;	
(36) Section 1301.4521;	(36) Section 1301.4521;	
(37) Section 1301.4522;	(37) Section 1301.4522;	
(38) Section 1301.453;	(38) Section 1301.453;	
(39) Section 1301.454;	(39) Section 1301.454;	
(40) Section 1301.502(b);	(40) Section 1301.502(b);	
(41) Section 1301.504;	(41) Section 1301.504;	
(42) Section 1301.5045;	(42) Section 1301.5045;	
(43) Section 1301.505;	(43) Section 1301.505;	
(44) Section 1301.506; and	(44) Section 1301.506; and	

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

(45) Subchapter N, Chapter 1301.

SECTION 60. (a) The Texas State Board of Plumbing Examiners is abolished but continues in existence until *September 1, 2020*, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation assumes all of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the Texas State Board of Plumbing Examiners are transferred to the Texas Department of Licensing and Regulation.

(b) The Texas State Board of Plumbing Examiners and the Texas Department of Licensing and Regulation shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners to the Texas Department of Licensing and Regulation is completed not later than *September 1, 2020*.

(c) All rules of the Texas State Board of Plumbing Examiners are continued in effect as rules of the Texas Department of Licensing and Regulation until superseded by a rule of the Texas Department of Licensing and Regulation. A license, endorsement, or certificate of registration issued by the Texas State Board of Plumbing Examiners is continued in effect as provided by the law in effect immediately before the effective date of this Act. An application for a license, endorsement, or certificate of

HOUSE VERSION (IE)

(45) Subchapter N, Chapter 1301.

SECTION 60. (a) The Texas State Board of Plumbing Examiners is abolished but continues in existence until *September 1, 2022*, for the sole purpose of transferring obligations, property, rights, powers, and duties to the Texas Department of Licensing and Regulation. The Texas Department of Licensing and Regulation assumes all of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners as they exist immediately before the effective date of this Act. All unexpended funds appropriated to the Texas State Board of Plumbing Examiners are transferred to the Texas Department of Licensing and Regulation. [FA2(3)]

(b) The Texas State Board of Plumbing Examiners and the Texas Department of Licensing and Regulation shall, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of the Texas State Board of Plumbing Examiners to the Texas Department of Licensing and Regulation is completed not later than *September 1, 2022*. [FA2(4)]

(c)-(d) Same as Senate version.

CONFERENCE

SECTION 61. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

registration pending on the effective date of this Act is continued without change in status after the effective date of this Act. A complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

(d) Unless the context indicates otherwise, a reference to the Texas State Board of Plumbing Examiners in a law or administrative rule means the Texas Department of Licensing and Regulation.

SECTION 61. Notwithstanding any other provision of this Act:

- (1) the authorization of a person holding a designation on *September 1, 2019*, to act as a responsible master plumber continues in effect until *September 1, 2020*;
- (2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until *September 1, 2020*; and
- (3) a person holding a designation to act as a responsible master plumber on *September 1, 2019*, may apply at no cost to the person for a plumbing contractor license until *September 1, 2020*, and after *September 1, 2020*, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license.

SECTION 62. (a) Not later than *December 1, 2019*, the governor shall appoint members to the Texas Plumbing Advisory Board in accordance with Section 1301.151,

HOUSE VERSION (IE)

SECTION 61. Notwithstanding any other provision of this Act:

- (1) the authorization of a person holding a designation on *September 1, 2021*, to act as a responsible master plumber continues in effect until *September 1, 2022*; [FA2(5);FA2(6)]
- (2) a person is not required to hold a plumbing contractor license to perform or offer to perform plumbing for compensation until *September 1, 2022*; and [FA2(7)]
- (3) a person holding a designation to act as a responsible master plumber on *September 1, 2021*, may apply at no cost to the person for a plumbing contractor license until *September 1, 2022*, and after *September 1, 2022*, if the person applies for a plumbing contractor license, the person shall pay any fee required by law for the plumbing contractor license. [FA2(8);FA2(9)]

SECTION 62. (a) Not later than *December 1, 2021*, the governor shall appoint members to the Texas Plumbing Advisory Board in accordance with Section 1301.151,

CONFERENCE

SECTION 62. Same as Senate version.

SECTION 63. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

Occupations Code, as amended by this Act. A member whose term expired under Section 60 of this Act is eligible for appointment to the advisory board.

(b) The members of the Texas State Board of Plumbing Examiners whose terms expire under Section 60 of this Act shall continue to provide advice to the Texas Department of Licensing and Regulation until a majority of the members of the advisory board are appointed under Subsection (a) of this section and qualified.

SECTION 63. (a) Not later than:

(1) September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who:

(A) on *September 1, 2019*, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's name or fingerprints on submission of the person's initial license application; and

(2) *September 1, 2023*, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's fingerprints on each person who:

(A) on *September 1, 2019*, holds a license issued under Chapter 1301, Occupations Code; and

(B) did not undergo a criminal history record information check based on the person's fingerprints on submission of the person's initial license application.

(b) The Texas Department of Licensing and Regulation may suspend the license of a person who holds a license under

HOUSE VERSION (IE)

Occupations Code, as amended by this Act. A member whose term expired under Section 60 of this Act is eligible for appointment to the advisory board. [FA2(10)]

(b) Same as Senate version.

SECTION 63. (a) Not later than:

(1) September 1, 2021, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's name, date of birth, and other alphanumeric identifiers on each person who:

(A) on *September 1, 2021*, holds a license issued under Chapter 1301, Occupations Code; and [FA2(11)]

(B) did not undergo a criminal history record information check based on the person's name or fingerprints on submission of the person's initial license application; and

(2) *September 1, 2025*, the Texas Department of Licensing and Regulation shall obtain criminal history record information using a person's fingerprints on each person who: [FA2(12)]

(A) on *September 1, 2021*, holds a license issued under Chapter 1301, Occupations Code; and [FA2(13)]

(B) did not undergo a criminal history record information check based on the person's fingerprints on submission of the person's initial license application.

(b) Same as Senate version.

CONFERENCE

SECTION 64. Same as Senate version.

Senate Bill 621
Conference Committee Report
Section-by-Section Analysis

SENATE VERSION

Chapter 1301, Occupations Code, who does not comply with a request by the department to provide information or fingerprints, in a form and manner prescribed by the department, that would enable the department to obtain criminal history record information as required by this section.

SECTION 64. (a) A violation of a law that is repealed by this Act is governed by the law in effect when the violation was committed, and the former law is continued in effect for that purpose.

(b) For purposes of this section, a violation was committed before *September 1, 2019*, if any element of the violation occurred before that date.

SECTION 65. To the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 66. This Act takes effect *September 1, 2019*.

HOUSE VERSION (IE)

SECTION 64. (a) Same as Senate version.

(b) For purposes of this section, a violation was committed before *September 1, 2021*, if any element of the violation occurred before that date. [FA2(14)]

SECTION 65. Same as Senate version.

SECTION 66. This Act takes effect *September 1, 2021*. [FA2(15)]

CONFERENCE

SECTION 65. Same as Senate version.

SECTION 66. Same as Senate version.

SECTION 67. Same as Senate version.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION
Revision 1

May 25, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB621 by Nichols (Relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.),
Conference Committee Report

Estimated Two-year Net Impact to General Revenue Related Funds for SB621, Conference Committee Report: a positive impact of \$454,107 through the biennium ending August 31, 2021.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	(\$33,697)
2021	\$487,804
2022	\$1,005,613
2023	\$1,507,488
2024	\$1,507,488

All Funds, Five-Year Impact:

Fiscal Year	Probable Savings from General Revenue Fund 1	Probable (Cost) from General Revenue Fund 1	Probable Revenue Gain/(Loss) from General Revenue Fund 1	Probable Savings/(Cost) from Appropriated Receipts 666
2020	\$8,103	\$0	(\$41,800)	\$0
2021	\$3,422,689	(\$2,893,085)	(\$41,800)	\$49,700
2022	\$3,703,590	(\$2,656,177)	(\$41,800)	\$0
2023	\$3,703,590	(\$2,154,302)	(\$41,800)	\$0
2024	\$3,703,590	(\$2,154,302)	(\$41,800)	\$0

Fiscal Year	Change in Number of State Employees from FY 2019
2020	0.0
2021	(3.0)
2022	(3.0)
2023	(3.0)
2024	(3.0)

Fiscal Analysis

This bill would amend Chapter 1301 of the Occupations Code to implement Sunset Commission recommendations regarding the Texas State Board of Plumbing Examiners (TSBPE) and transfer the regulation of plumbers to the Texas Department of Licensing and Regulation (TDLR) no later than September 1, 2020. The bill would abolish TSBPE and establish the Texas Plumbing Advisory Board to provide recommendations to TDLR regarding the administration of this chapter. The bill would authorize TDLR to adopt rules and requirements regarding licensing, examinations, continuing education, and training. The bill would allow TDLR to set fees in amounts reasonable to cover the cost of administering this chapter and to adopt a biennial license or registration renewal schedule.

The bill would add new Section 1301.3515 to require license applicants to submit to a fingerprint criminal background check by the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). DPS would be authorized to collect a fee from applicants for the costs of conducting the criminal history check.

The bill would eliminate the drain cleaner, drain cleaner-restricted, and residential utilities installer registration and would eliminate the master plumber designation and replace it with a plumbing contractor license.

The bill would allow TDLR to issue a license, endorsement or certificate of registration to individuals who hold similar credentials in another jurisdiction.

The bill would make conforming changes to the Occupations, Education, Government, Health and Safety, Local Government, and Natural Resources Codes. The bill would take effect September 1, 2019.

Methodology

The bill delays the transfer of plumbing regulation to TDLR until no later than September 1, 2020 and this analysis assumes the regulatory operation costs will continue at TSBPE until that date. Abolishing TSBPE would result in a savings of \$3,376,882 (\$2,604,379 per year in appropriations and other direct and indirect costs of \$772,503 based on the 2020-21 Senate Bill 1, As Introduced) in General Revenue funds and \$49,700 in Appropriated Receipts beginning in fiscal year 2021. The savings would be offset by a cost to TDLR to transition and operate the regulation of the plumbing profession, estimated to be General Revenue of \$2,893,085 in fiscal year 2021, \$2,656,177 in fiscal year 2022, and \$2,154,302 per fiscal year thereafter. These amounts include one-time costs for computer equipment, rent, and furniture for the new full-time equivalent (FTE) positions at TDLR, vehicle fleet maintenance, salaries and benefits for the 28.0 FTEs positions to operate the plumbing program at TDLR, and technology costs.

According to Sunset staff analysis, the elimination of the drain cleaner, drain cleaner-restricted, and residential utilities install registrations would result in a revenue loss of approximately \$41,800 per fiscal year to the General Revenue Fund. Replacing the master plumber designation with a plumbing contractor license could result in an increase of revenue as additional persons would be eligible to obtain licensure but the overall effect on revenue cannot be determined. Fees related to reciprocity and temporary licenses, endorsements, and certificates of registration would be set by TDLR and the effect on revenue cannot be determined at this time. This analysis assumes all other licensing fees would remain unchanged once transferred to TDLR.

According to Sunset staff analysis of contracts currently held by the plumbing board, certain contracts established by and for the plumbing board would no longer be required at TDLR. This would result in an estimated savings to General Revenue of \$8,103 in fiscal year 2020, \$46,830 in fiscal year 2021, and \$326,708 in each fiscal year thereafter.

TSBPE currently performs criminal background checks on applicants; however, these background checks do not meet the fingerprint and FBI requirements of the bill. Applicants and licensees would pay for the cost of the fingerprint background checks through the Department of Public Safety's (DPS) existing process. TSBPE estimates a total of 50,875 existing license holders will require fingerprinting in fiscal year 2020 and approximately 9,780 new applicants each year thereafter.

According to DPS, approximately \$1,436,710 would be collected in Appropriated Receipts revenue in fiscal year 2020 and approximately \$276,285 would be collected in Appropriated Receipts revenue in fiscal year 2021 (total \$1,712,995 for the biennium). Of this amount, \$682,166 would be remitted to the FBI and \$1,030,829 would be retained by DPS to offset costs associated with providing background checks.

Technology

The TSBPE licensing database is operated through its participation in the Health Professions Council (HPC). The HPC cost is included in the fiscal year 2020 appropriations to TSBPE. After the transfer to TDLR, the costs for the plumbers licenses at HPC will be approximately \$182,000 in fiscal year 2021. The estimated cost to migrate the TSBPE licensing database from HPC to TDLR is \$200,000 in fiscal year 2021. TDLR would also need \$50,000 for necessary alterations made during the move which would align the oncoming version of the database with TDLR's processes and current programs in its version of the database. There would be an additional required cost of \$25,000 annually for licensing and maintenance costs of the database.

TDLR reports it would also require staff augmentation support for the preparation, transfer, and maintenance of the system at a cost of \$200,000 each year for fiscal years 2021 and 2022. Included in FTE costs outlined above is the cost for a Systems Analyst V to perform application software development and application software package configuration, support the licensing information system, coordinate the planning, budgeting and analysis of database user requirements, provide project estimates, and perform design, coding and testing at a General Revenue cost of \$6,450 in fiscal year 2021, \$118,581 in fiscal year 2022, and \$116,328 in each fiscal year thereafter.

HPC costs are distributed among participating agencies. The costs that remain after TSBPE is removed from the database will be redistributed among the remaining member agencies. This analysis assumes those agencies could absorb the redistributed costs within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 456 Board of Plumbing Examiners

LBB Staff: WP, DFR, CLo, SGr

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

May 23, 2019

TO: Honorable Dan Patrick, Lieutenant Governor, Senate
Honorable Dennis Bonnen, Speaker of the House, House of Representatives

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: SB621 by Nichols (Relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requiring an occupational license; authorizing a fee.),
Conference Committee Report

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Fiscal Year	Change in Number of State Employees from FY 2019
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2021	(3.0)
2022	(3.0)
2023	(3.0)
2024	(3.0)

Fiscal Analysis

This bill would amend Chapter 1301 of the Occupations Code to implement Sunset Commission recommendations regarding the Texas State Board of Plumbing Examiners (TSBPE) and transfer the regulation of plumbers to the Texas Department of Licensing and Regulation (TDLR) no later than September 1, 2020. The bill would abolish TSBPE and establish the Texas Plumbing Advisory Board to provide recommendations to TDLR regarding the administration of this chapter. The bill would authorize TDLR to adopt rules and requirements regarding licensing, examinations, continuing education, and training. The bill would allow TDLR to set fees in amounts reasonable to cover the cost of administering this chapter and to adopt a biennial license or registration renewal schedule.

The bill would add new Section 1301.3515 to require license applicants to submit to a fingerprint criminal background check by the Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). DPS would be authorized to collect a fee from applicants for the costs of conducting the criminal history check.

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The bill would allow TDLR to issue a license, endorsement or certificate of registration to individuals who hold similar credentials in another jurisdiction.

The bill would make conforming changes to the Occupations, Education, Government, Health and Safety, Local Government, and Natural Resources Codes. The bill would take effect September 1, 2019.

Methodology

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According to Sunset staff analysis, the elimination of the drain cleaner, drain cleaner-restricted, and residential utilities install registrations would result in a revenue loss of approximately \$41,800 per fiscal year to the General Revenue Fund. Replacing the master plumber designation with a plumbing contractor license could result in an increase of revenue as additional persons would be eligible to obtain licensure but the overall effect on revenue cannot be determined. Fees related to reciprocity and temporary licenses, endorsements, and certificates of registration would be set by TDLR and the effect on revenue cannot be determined at this time. This analysis assumes all other licensing fees would remain unchanged once transferred to TDLR.

According to Sunset staff analysis of contracts currently held by the plumbing board, certain contracts established by and for the plumbing board would no longer be required at TDLR. This would result in an estimated savings to General Revenue of \$8,103 in fiscal year 2020, \$46,830 in fiscal year 2021, and \$326,708 in each fiscal year thereafter.

TSBPE currently performs criminal background checks on applicants; however, these background checks do not meet the fingerprint and FBI requirements of the bill. Applicants and licensees would pay for the cost of the fingerprint background checks through the Department of Public Safety's (DPS) existing process. TSBPE estimates a total of 50,875 existing license holders will require fingerprinting in fiscal year 2020 and approximately 9,780 new applicants each year thereafter.

According to DPS, approximately \$1,436,710 would be collected in Appropriated Receipts revenue in fiscal year 2020 and approximately \$276,285 would be collected in Appropriated Receipts revenue in fiscal year 2021 (total \$1,712,995 for the biennium). Of this amount, \$682,166 would be remitted to the FBI and \$1,030,829 would be retained by DPS to offset costs associated with providing background checks.

Technology

The TSBPE licensing database is operated through its participation in the Health Professions Council (HPC). The HPC cost is included in the fiscal year 2020 appropriations to TSBPE. After the transfer to TDLR, the costs for the plumbers licenses at HPC will be approximately \$182,000 in fiscal year 2021. The estimated cost to migrate the TSBPE licensing database from HPC to TDLR is \$200,000 in fiscal year 2021. TDLR would also need \$50,000 for necessary alterations made during the move which would align the oncoming version of the database with TDLR's processes and current programs in its version of the database. There would be an additional required cost of \$25,000 annually for licensing and maintenance costs of the database.

TDLR reports it would also require staff augmentation support for the preparation, transfer, and maintenance of the system at a cost of \$200,000 each year for fiscal years 2021 and 2022. Included in FTE costs outlined above is the cost for a Systems Analyst V to perform application software development and application software package configuration, support the licensing information system, coordinate the planning, budgeting and analysis of database user requirements, provide project estimates, and perform design, coding and testing at a General Revenue cost of \$6,450 in fiscal year 2021, \$118,581 in fiscal year 2022, and \$116,328 in each fiscal year thereafter.

HPC costs are distributed among participating agencies. The costs that remain after TSBPE is removed from the database will be redistributed among the remaining member agencies. This analysis assumes those agencies could absorb the redistributed costs within existing resources.

Local Government Impact

No fiscal implication to units of local government is anticipated.


Source Agencies: 116 Sunset Advisory Commission, 452 Department of Licensing and Regulation, 304 Comptroller of Public Accounts, 405 Department of Public Safety, 456 Board of Plumbing Examiners

LBB Staff: WP, DFR, CLo, SGr

**Certification of Compliance with
Rule 13, Section 6(b), House Rules of Procedure**

Rule 13, Section 6(b), House Rules of Procedure, requires a copy of a conference committee report signed by a majority of each committee of the conference to be furnished to each member of the committee in person or, if unable to deliver in person, by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under House Rule 13, Section 10(a). The paper copies of the report submitted to the chief clerk under Rule 13, Section 10(b), must contain a certificate that the requirement of Rule 13, Section 6(b), has been satisfied, and that certificate must be attached to the copy of the report furnished to each member under Rule 13, Section 10(d). Failure to comply with this requirement is not subject to a point of order under Rule 13.

I certify that a copy of the conference committee report on SB 621 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Rule 13, Section 10(b), House Rules of Procedure.


(name)

5-23-19
(date)