

BILL ANALYSIS

Senate Research Center
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S.B. 621
By: Nichols et al.
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The Texas State Board of Plumbing Examiners (TSBPE) regulates plumbing in Texas by licensing and overseeing apprentices, tradesman, journeyman, and master plumbers, and plumbing inspectors. TSBPE is subject to abolishment under the Sunset Act on September 1, 2019, unless continued by the legislature.

The Sunset Advisory Commission (Sunset) found the plumbing board has failed to address long-standing problems within its control to fix, and broader problems, like the workforce shortage, have been exacerbated by TSBPE inattention and unwillingness to change the status quo. Sunset recommended transferring regulation of plumbing to the Texas Department of Licensing and Regulation, which can capitalize on its efficient internal operations and knowledge regulating similar trades. Other recommendations would streamline and improve licensure and enforcement, eliminating unnecessary barriers and regulations in the plumbing industry.

As proposed, S.B. 621 amends current law relating to the transfer of the regulation of plumbing to the Texas Department of Licensing and Regulation, following recommendations of the Sunset Advisory Commission; requires an occupational license; and authorizes a fee.

Note: There are statutory references in this bill to the Texas Natural Resource Conservation Commission (TNRCC), predecessor agency to the Texas Commission on Environmental Quality.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission of Licensing and Regulation (TCLR) in SECTION 16 (Section 1301.262, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLR in SECTION 20 (Section 1301.305, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLR in SECTION 35 (Section 1301.404, Occupations Code) of this bill.

Rulemaking authority is expressly granted to TCLR in SECTION 36 (Section 1301.405, Occupations Code) of this bill.

Rulemaking authority previously granted to the executive commissioner of the Health and Human Services Commission is modified in in SECTION 51 (Section 341.068, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Texas Commission on Environmental Quality is modified in SECTION 52 (Section 372.003, Health and Safety Code) of this bill.

Rulemaking authority previously granted to the Railroad Commission of Texas (railroad commission) is modified in SECTION 55 (Section 113.081, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the railroad commission is modified in SECTION 56 (Section 113.087, Natural Resources Code) of this bill.

Rulemaking authority previously granted to the railroad commission is modified in SECTION 57 (Section 113.097, Natural Resources Code) of this bill.

Rulemaking authority previously granted to Texas State Board of Plumbing Examiners (TSBPE) is transferred to the executive director of the Texas Department of Licensing and Regulation or TCLR, as appropriate, in SECTION 14 (Section 1301.251, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 15 (Section 1301.255, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 16 (Section 1301.262, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 27 (Section 1301.3541, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 34 (Section 1301.401, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 40 (Section 1301.501, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 42 (Section 1301.5071, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is transferred to TCLR in SECTION 60 of this bill.

Rulemaking authority previously granted to TSBPE is rescinded in SECTION 36 (Section 1301.405, Occupations Code) of this bill.

Rulemaking authority previously granted to TSBPE is rescinded in SECTION 59 (Subchapter N, Chapter 1301, and Sections 1301.303, 1301.3521, 1301.3585, 1301.451, and 1301.4521, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1301.002, Occupations Code, 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), as follows:

(1) Defines "advisory board" as the Texas Plumbing Advisory Board (advisory board) established under Subchapter C, rather than defining "board" as the Texas State Board of Plumbing Examiners (TSBPE).

(1-a) Defines "commission" as the Texas Commission of Licensing and Regulation (TCLR).

(1-b) Creates this subdivision from existing Subdivision (1-a) and makes no further changes to this subdivision.

(1-c) Defines "department" as the Texas Department of Licensing and Regulation (TDLR).

(2) Creates this subdivision from existing Subdivision (1-b) and defines "executive director" as the executive director of TDLR, rather than of TSBPE. Deletes existing text defining "drain cleaner."

(3) Defines "drain cleaning" as:

(A) installing cleanouts and removing and resetting p-traps to eliminate obstructions in building drains and sewers under the supervision of a master plumber, rather than a responsible master plumber; or

(B) clearing obstructions in sewer and drain lines through any code-approved existing opening under the supervision of a master plumber, rather than a responsible master plumber.

Deletes existing text defining "drain cleaner-restricted registrant." Makes nonsubstantive changes.

(4) Defines "journeyman plumber" as a person licensed under this chapter who:

(A) makes no changes to this paragraph;

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

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

(D) makes no changes to this paragraph; and

(E) has fulfilled the other requirements of TCLR, rather than TSBPE.

(5) Defines "master plumber" as a person licensed under this chapter who:

(A) makes no changes to this paragraph;

(B) has worked as a journeyman plumber:

(i) makes no changes to this subparagraph; 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 recognized apprentice training program accepted by TCLR, rather than TSBPE;

(C)-(D) makes no changes to these paragraphs; and

(E) has fulfilled the other requirements of TCLR, rather than TSBPE.

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

(A) among other activities, learns about and assists in drain cleaning and residential utilities installation;

(B) has fulfilled the requirements of TCLR and is registered by TDLR, rather than has fulfilled the requirements of and is registered by TSBPE; and

(C) works under the supervision of a master plumber, rather than works under the supervision of a responsible master plumber and the direct supervision of a licensed plumber.

Creates Paragraphs (A)-(C) from existing Subdivision (6) and makes nonsubstantive changes throughout this subdivision.

(7-a) Defines "plumbing contractor."

(8) Defines "plumbing inspector" as a person who:

(A)-(B) makes no changes to these paragraphs; and

(C) has fulfilled the other requirements of TCLR, rather than TSBPE.

(9) Defines "residential utilities installation" as constructing and installing yard water service piping for one-family or two-family dwellings and building sewers under the supervision of a master plumber, rather than a responsible master plumber. Deletes existing text defining a "residential utilities installer" and certain requirements. Makes conforming and nonsubstantive changes.

(10) Defines "tradesman plumber-limited license holder" as a person who:

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

(B) makes no changes to this paragraph;

(C) constructs and installs plumbing for one-family or two-family dwellings under general supervision, rather than 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 TCLR, rather than TSBPE.

(11) Defines "water supply protection specialist" as a person who holds an endorsement issued by TDLR, rather than TSBPE, to engage in certain activities.

SECTION 2. Amends Sections 1301.056 and 1301.057, Occupations Code, as follows:

Sec. 1301.056. **LAWN IRRIGATION SYSTEMS.** Provides that a person licensed by TDLR under this chapter, rather than by TSBPE, 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) Provides that 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) makes no changes to this subdivision; and

(2) is performed by an organization that:

(A) is certified by the Texas Commission on Environmental Quality (TCEQ), rather than the Texas Natural Resource Conservation Commission (TNRCC), to provide self-help project assistance; and

(B) provides TDLR, rather than TSBPE, with the following information before the 30th day before the date the project begins:

(i)-(ii) makes no changes to these subparagraphs; and

(iii) other information TDLR, rather than TSBPE, requires.

(b) Authorizes TDLR, rather than TSBPE, to 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) Authorizes TDLR, rather than TSBPE, to provide training to an organization that provides self-help project assistance under this section.

SECTION 3. Amends the heading to Subchapter C, Chapter 1301, Occupations Code, to read as follows:

SUBCHAPTER C. TEXAS PLUMBING ADVISORY BOARD

SECTION 4. Amends Section 1301.151, Occupations Code, as follows:

Sec. 1301.151. New heading: TEXAS PLUMBING ADVISORY BOARD MEMBERSHIP. (a) Provides that the advisory board consists of nine members appointed by the presiding officer of TCLR, with TCLR approval, rather than providing that TSBPE consists of nine members appointed by the governor with the advice and consent of the senate, as follows:

(1)–(3) makes no changes to these subdivisions;

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

(5) makes no changes to this subdivision;

(6) makes a nonsubstantive change;

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

(8) one member, rather than two members, who represents the public. Creates this subdivision from existing Subdivision (7) and makes a nonsubstantive change.

(b)-(c) Makes conforming changes.

(d) Provides that Chapter 2110 (State Agency Advisory Committees), Government Code, does not apply to the composition or duration of the advisory board or to the appointment of the advisory board's presiding officer.

SECTION 5. Amends Section 1301.152, Occupations Code, as follows:

Sec. 1301.152. New heading: ELIGIBILITY OF PUBLIC MEMBER. Makes a conforming change.

SECTION 6. Amends Section 1301.154, Occupations Code, to make a conforming change.

SECTION 7. Amends Section 1301.157, Occupations Code, as follows:

Sec. 1301.157. New heading: OFFICER. Requires the presiding officer of TCLR to designate a member of the advisory board as the presiding officer of the advisory board to serve in that capacity at the pleasure of the presiding officer of TCLR, rather than requiring the governor to designate a member of TSBPE as the presiding officer of TSBPE to serve in that capacity at the pleasure of the governor.

(a)-(b) Deletes these subsection designations and existing text requiring TSBPE to elect a secretary from its membership.

SECTION 8. Amends Section 1301.158, Occupations Code, as follows:

Sec. 1301.158. New heading: COMPENSATION. Prohibits an advisory board member from receiving compensation for service on the advisory board, rather than prohibiting a TSBPE member from receiving a fixed salary for service on TSBPE.

(a)-(c) Deletes designation of Subsection (a) and deletes text of existing Subsection (b) and (c) entitling a TSBPE member to receive a per diem as set by the General Appropriations Act for each day the member engages in the business of TSBPE; prohibiting a TSBPE member from receiving reimbursement for travel expenses, including expenses for meals and lodging, other than transportation expenses; and entitling a member to reimbursement for transportation expenses as provided by the General Appropriations Act.

SECTION 9. Amends Subchapter C, Chapter 1301, Occupations Code, by adding Section 1301.160, as follows:

Sec. 1301.160. DUTIES OF ADVISORY BOARD. Requires the advisory board to provide advice and recommendations to TDLR on technical matters relevant to the administration and enforcement of this chapter, including examinations, licensing qualifications, plumbing code requirements, and continuing education requirements.

SECTION 10. Amends the heading to Subchapter D, Chapter 1301, Occupations Code, to read as follows:

SUBCHAPTER D. DEPARTMENT PERSONNEL

SECTION 11. Amends Section 1301.202, Occupations Code, as follows:

Sec. 1301.202. New heading: CERTAIN PLUMBING EXAMINERS. (a) Requires TDLR, if an examination required for the issuance of a license, endorsement, or certificate of registration under this chapter contains a practical component, to employ or contract with one or more plumbing examiners to administer that portion of the examination, rather than requiring TSBPE to employ one or more plumbing examiners. Deletes existing text providing that a plumbing examiner serves at the will of TSBPE. Requires a plumbing examiner to:

(1)-(2) makes nonsubstantive changes.

(3) Deletes this subdivision and existing text requiring a plumbing examiner to be qualified by experience and training in plumbing practice.

(b) Requires a plumbing examiner to:

(1) examine the fitness and qualifications of a person applying to TDLR, rather than TSBPE, for a license as a master plumber, journeyman plumber, tradesman plumber-limited license holder, or plumbing inspector; and

(2) promptly certify the result of the examination to TDLR, rather than TSBPE.

SECTION 12. Amends Section 1301.203, Occupations Code, as follows:

Sec. 1301.203. FIELD REPRESENTATIVE; INSPECTIONS. (a) Authorizes TDLR to employ a field representative to assist TDLR, rather than authorizes TSBPE to employ a field representative to assist TSBPE, in enforcing this chapter and rules adopted under this chapter. Requires a field representative to be knowledgeable of this chapter and municipal ordinances relating to plumbing. Makes nonsubstantive changes.

(1)–(3) Deletes these subdivisions and existing text requiring a field representative to hold a license as a plumber under this chapter and be qualified by experience and training in plumbing practice.

(b) Authorizes a field representative to:

(1) makes no changes to this subdivision;

(2) investigate consumer complaints, rather than investigate consumer complaints filed under Section 1301.303 (Complaints); and

(3) makes a nonsubstantive change.

(4)–(5) Deletes these subdivisions and existing text authorizing a field representative to issue citations as provided by Section 1301.502 (Citation), and to, in the performance of the field representative’s other duties under this chapter, check the license, registration, or endorsement of a person regulated by TDLR in accordance with the memorandum of understanding adopted under Section 1301.259 (Memorandum of Understanding) and report any noncompliance to that agency.

SECTION 13. Amends the heading to Subchapter E, Chapter 1301, Occupations Code, to read as follows:

SUBCHAPTER E. POWERS AND DUTIES

SECTION 14. Amends Sections 1301.251 and 1301.253, Occupations Code, as follows:

Sec. 1301.251. New heading: GENERAL DUTIES. Requires the executive director of TDLR (executive director) or TCLR, as appropriate, rather than TSBPE, to:

(1) makes a nonsubstantive change; 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, rather than adopt and enforce rules necessary to administer this chapter. Makes nonsubstantive changes.

(3) Deletes this subdivision and existing text requiring the keeping of a record of each proceeding conducted before and action taken by TSBPE.

Sec. 1301.253. FEES. Requires TCLR to set fees under this chapter, rather than requires TSBPE to set fees, in amounts that are reasonable and necessary to cover the cost of administering this chapter.

SECTION 15. Amends Sections 1301.255(a), (b), (c), and (d), Occupations Code, as follows:

(a) Requires TCLR, rather than TSBPE, to adopt certain plumbing codes.

(b)–(d) Makes conforming changes.

SECTION 16. Amends Section 1301.262, Occupations Code, as follows:

Sec. 1301.262. New heading: CODES OF CONDUCT. (a) Requires TCLR, rather than TSBPE, to establish a code of conduct for licensed plumbing inspectors. Requires the code of conduct to require a plumbing inspector to enforce this chapter and TCLR rules, rather than TSBPE rules, in a consistent manner across job sites. Creates this subsection from existing text.

(b) Authorizes TCLR by rule to establish standards of conduct for a holder of a license, endorsement, or certificate of registration issued under this chapter.

SECTION 17. Amends Subchapter E, Chapter 1301, Occupations Code, by adding Section 1301.263, as follows:

Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a) Requires TDLR to recognize, prepare, administer, or arrange for the administration of an examination required by this chapter.

(b) Requires TDLR to determine the minimum requirements and passing score for an examination required by this chapter.

(c) Requires a practical component, if an examination required by this chapter contains a practical component, to be administered by a plumbing examiner as provided by Section 1301.202.

SECTION 18. Amends the heading to Subchapter F, Chapter 1301, Occupations Code, to read as follows:

SUBCHAPTER F. PRACTICE BY LICENSE HOLDER

SECTION 19. Amends Section 1301.302, Occupations Code, as follows:

Sec. 1301.302. CONTRACT INFORMATION; REQUIRED DOCUMENTS. Requires certain documents relating to plumbing services performed by or under the direction of a plumber licensed under this chapter to contain the name and license number of the plumbing contractor and the name, mailing address, and telephone number of TDLR, rather than contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of TSBPE.

SECTION 20. Amends Subchapter F, Chapter 1301, Occupations Code, by adding Section 1301.305, as follows:

Sec. 1301.305. SUPERVISION RULES; RESPONSIBILITY FOR PLUMBING WORK.

(a) Requires TCLR by rule to:

(1) require that, for each task involved in plumbing, a master plumber perform the task, or provide general or direct supervision of a less experienced plumber who performs the task;

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

(3) specify the plumbing tasks that a plumber's apprentice or tradesman plumber-limited license holder is required to perform under direct supervision and the plumbing tasks a plumber's apprentice or tradesman plumber-limited license holder is required to perform under general supervision;

(4) specify the amount of classroom training meeting the requirements of Subsection (b), practical plumbing experience, or a combination of that training and experience necessary to exempt a plumber from the direct supervision requirements under this section, and to permit the plumber to perform the plumbing under general supervision;

(5) require a plumber, other than a master plumber, to document the plumber's classroom training that meets the requirements of Subsection (b), and to document the plumber's practical plumbing experience; and

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

(b) Requires TCLR by rule, notwithstanding the minimum requirements for a continuing education program or instructor established under this chapter, to establish minimum requirements for classroom training, other than a continuing education program under this chapter, that, if successfully completed and documented by a plumber, TDLR is required to credit toward:

(1) the necessary classroom training required to exempt the plumber from the direct supervision requirements under this section, and to permit the plumber to perform specified plumbing tasks under general supervision;

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

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

SECTION 21. Amends Sections 1301.351(a), (a-1), and (c), Occupations Code, as follows:

(a) Prohibits a person from performing or offering to perform plumbing for compensation, rather than prohibiting a person, other than a responsible master plumber, from engaging in plumbing, unless:

(1) the person holds:

(A) a plumbing contractor license; and

(B) the proper license, endorsement, or certificate of registration required by this chapter to perform or supervise the performance of plumbing, rather than the proper license, registration, or endorsement required by this chapter. Creates this paragraph from existing Subdivision (1), deletes existing text including the person's work is supervised and controlled by a person licensed under this chapter, and makes nonsubstantive changes; and

(2) the person is employed by a plumbing contractor, the person performs or supervises the plumbing on behalf of the plumbing contractor, and the person holds the proper license, endorsement, or certificate of registration required by this chapter; or

(3) the person offers to perform plumbing and contracts with a plumbing contractor for the performance of the plumbing.

(a-1) Prohibits a person from acting as a plumbing contractor unless the person holds the appropriate license and meets the applicable requirements, rather than the requirements, under this chapter. Deletes existing text relating to a responsible master plumber.

(c) Requires a plumbing contractor who is supervising and controlling, rather than a license holder who is supervising and controlling under Subsection (a)(2), the work of a person engaged in certain business to have training and management responsibility for, and to review and inspect, the person's work. Makes a conforming change.

SECTION 22. Amends Subchapter G, Chapter 1301, Occupations Code, by adding Section 1301.3515, as follows:

Sec. 1301.3515. **CRIMINAL HISTORY RECORD INFORMATION FOR LICENSE ISSUANCE.** (a) Requires TDLR to require that an applicant for a license submit a complete and legible set of fingerprints, on a form prescribed by the executive director, to TDLR or to the Texas Department of Public Safety (DPS) for the purpose of obtaining criminal history record information from DPS and the Federal Bureau of Investigation (FBI).

(b) Prohibits TDLR from issuing a license to a person who does not comply with the requirement of Subsection (a).

(c) Requires TDLR to conduct a criminal history record information check of each applicant for a license using information provided by the individual under this section, and information made available to TDLR by DPS, the FBI and any other criminal justice agency under Chapter 411 (Department of Public Safety of the State of Texas), Government Code.

(d) Authorizes TDLR to enter into an agreement with DPS to administer a criminal history record information check required under this section, and to authorize DPS to collect from each applicant the costs incurred by DPS in conducting the criminal history record information check.

SECTION 23. Amends Section 1301.352, Occupations Code, as follows:

Sec. 1301.352. **EXAMINATION REQUIRED.** Requires TDLR, rather than TSBPE, to issue a license or endorsement as a master plumber, journeyman plumber, plumbing inspector, tradesman plumber-limited license holder, medical gas piping installation endorsement holder, water supply protection specialist, or multipurpose residential fire protection sprinkler specialist to a person who demonstrates the fitness, competence, and qualifications to receive the license or endorsement by passing a uniform, reasonable examination.

SECTION 24. Amends Section 1301.3522, Occupations Code, as follows:

Sec. 1301.3522. **EXAMINATION REVIEW COURSE.** (a) Requires TDLR to develop a review course in English and Spanish to assist license applicants in preparation for each license examination offered by TDLR, rather than requiring TSBPE to develop a review course in English and Spanish to assist license applicants in preparation for each license examination offered by TSBPE. Authorizes TDLR, if TDLR provides the review course, to charge a fee to an applicant who applies to take the review course, rather than authorizing TSBPE, if TSBPE provides the review course, to charge a fee to an applicant who applies to take the review course.

(b) Authorizes TDLR to provide the review course training materials to private course providers for a fee determined by TDLR, rather than authorizing TSBPE to provide the review course training materials to private course providers for a fee determined by TSBPE.

SECTION 25. Amends Section 1301.353, Occupations Code, as follows:

Sec. 1301.353. **INSPECTOR CONFLICTS PROHIBITED.** Prohibits TDLR, rather than TSBPE, from issuing a plumbing inspector license to a person who has a financial or advisory interest in a plumbing company.

SECTION 26. Amends Sections 1301.354(b), (b-1), (c), (c-1), and (d), Occupations Code, as follows:

(b) Authorizes a person who has worked as a plumber's apprentice for a period established by law or TCLR rule, rather than or TSBPE rule, to apply to take an examination for a license as a journeyman plumber or tradesman plumber-limited license holder. Requires the applicant, before the applicant is authorized to take the examination, to complete classroom training provided by a TDLR-approved instructor in a TDLR-approved training program, rather than provided by a TSBPE-approved instructor in a TSBPE-approved training program, in the areas of health and safety, applicable plumbing codes, and water conservation for a certain number of hours.

(b-1) Authorizes TDLR, rather than TSBPE, at the applicant's request, to credit an applicant under Subsection (b) with a number of hours determined by TCLR rule, rather than TSBPE rule, against the number of hours of work experience required to take an examination if the applicant has received an associate of applied science degree from a plumbing technology program that:

(1) makes no changes to this subdivision; and

(2) makes a conforming change.

(c), (c-1), and (d) Makes conforming changes.

SECTION 27. Amends Section 1301.3541, Occupations Code, as follows:

Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. Authorizes TCLR by rule, rather than TSBPE by rule, to adopt registration requirements for plumber's apprentices, including training and education requirements.

SECTION 28. Amends Sections 1301.356(d) and (e), Occupations Code, as follows:

(d) Provides that an endorsement under this section coincides with rules adopted by the executive commissioner of the Health and Human Services Commission (HHSC), rather than adopted by the Texas Department of Health.

(e) Authorizes a plumbing inspector who meets the requirements of TCLR, rather than of TSBPE, to hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 29. Amends Sections 1301.3565(b) and (f), Occupations Code, as follows:

(b) Requires TDLR, rather than TSBPE, to issue an endorsement as a multipurpose residential fire protection sprinkler specialist to a person who:

(1) makes no changes to this subdivision;

(2) applies to TDLR on a form prescribed by TDLR, rather than applies to TSBPE on a form prescribed by TSBPE;

(3) pays a fee set by TCLR, rather than TSBPE;

(4) presents evidence satisfactory to TDLR, rather than TSBPE, of successful completion of a training program approved by TDLR, rather than TSBPE, that provides the training necessary for the proper design and installation of a multipurpose residential fire protection sprinkler system as required by the applicable codes and standards recognized by the state; and

(5) passes an examination required by TDLR, rather than TSBPE.

(f) Authorizes a plumbing inspector who meets the requirements of TCLR, rather than TSBPE, to inspect a multipurpose residential fire protection sprinkler installation.

SECTION 30. Amends Section 1301.357(b), Occupations Code, as follows:

(b) Requires TDLR, rather than TSBPE, to issue an endorsement as a water supply protection specialist to a person who:

- (1) makes no changes to this subdivision;
- (2) applies to TDLR on a form prescribed by TDLR, rather than applies to TSBPE on a form prescribed by TSBPE;
- (3) pays a fee set by TCLR, rather than TSBPE;
- (4) presents evidence satisfactory to TDLR, rather than TSBPE, of successful completion of a certification program approved by TDLR, rather than TSBPE, for water supply protection specialists; and
- (5) passes an examination required by TDLR, rather than TSBPE.

SECTION 31. Amends Section 1301.3575, Occupations Code, as follows:

Sec. 1301.3575. New heading: REGISTRATION OF PLUMBER'S APPRENTICES. Requires TDLR to register a person who complies with this chapter as a plumber's apprentice. Deletes existing text requiring TSBPE to register a person who complies with this chapter as a drain cleaner, drain cleaner-restricted registrant, or residential utilities installer.

SECTION 32. Amends Section 1301.3576, Occupations Code, as follows:

Sec. 1301.3576. New heading: CERTIFICATE OF INSURANCE FOR PLUMBING CONTRACTOR. Requires the plumbing contractor, before a plumbing contractor offers or performs plumbing, to provide TDLR, rather than TSBPE, with a certificate of insurance that meets the requirements of Section 1301.552 (Certificate of Insurance for Plumbing Permit in Political Subdivision). Creates this section from existing Subdivision (1). Deletes existing text providing requirements for a master plumber and makes nonsubstantive changes.

- (1)–(2) Deletes designation as Subdivision (1) and deletes existing Subdivision (2) requiring a master plumber to present evidence satisfactory to TSBPE of successful completion of a training program approved or administered by TSBPE regarding the laws and rules applicable to the operation of a plumbing business in this state.

SECTION 33. Amends Subchapter G, Chapter 1301, Occupations Code, by adding Sections 1301.3581 and 1301.360, as follows:

Sec. 1301.3581. RECIPROCITY. (a) Authorizes TCLR or TDLR to waive any prerequisite to obtaining a license, endorsement, or certificate of registration issued under this chapter for an applicant who holds a similar license, endorsement, or certificate issued by another jurisdiction.

- (b) Authorizes TCLR to make an agreement, subject to the approval of the governor, with another state to allow for licensing by reciprocity if the other state has requirements for a license, endorsement, or certificate substantially equivalent to those of this state.

(c) Requires an applicant under this section to apply in the same manner and form as any other applicant under this chapter, and to provide TDLR with documents and other evidence that substantiate the applicant's qualifications.

(d) Prohibits an applicant for a license, endorsement, or certificate of registration issued under this section from being required to undergo an examination to obtain the license, endorsement, or certificate if the applicant has held an equivalent license, endorsement, or certificate in another jurisdiction for at least two years. Authorizes TDLR in accordance with TCLR rules to determine whether a license, endorsement, or certificate issued by another jurisdiction is equivalent to a license, endorsement, or certificate issued under this chapter.

Sec. 1301.360. TEMPORARY LICENSE. (a) Authorizes TDLR to issue a temporary license, endorsement, or certificate of registration to an applicant as provided by Section 51.407 (Temporary License).

(b) Provides that, notwithstanding Section 51.407, a temporary license issued under this section expires on the 30th day after the date of issuance and is prohibited from being renewed.

SECTION 34. Amends Section 1301.401, Occupations Code, as follows:

Sec. 1301.401. New heading: RENEWAL REQUIRED. (a) Provides that a license or certificate of registration under this chapter is valid for one or two years as determined by TCLR rule, rather than providing that a license or registration under this chapter is valid for one year. Authorizes a license to be renewed on payment of the required fee. Makes conforming changes.

(b) Requires TCLR by rule to establish the requirements for renewing a license, endorsement, or certificate of registration under this chapter and authorizes TCLR to adopt a system under which licenses, endorsements, and certificates of registration expire on various dates during the year.

(c) Provides that an endorsement issued under Section 1301.356 (Endorsement: Medical Gas Piping Installation), 1301.3565 (Endorsement: Multipurpose Residential Fire Protection Sprinkler Specialist), or 1301.357 (Endorsement: Water Supply Protection Specialist) expires on the date the master plumber or journeyman plumber license of the endorsement holder expires. Requires any continuing education requirement established by rule and applicable to an endorsement issued under this chapter to be completed before the endorsement holder is authorized to renew the endorsement.

SECTION 35. Amends Sections 1301.404(a), (c), (d), (e), and (f), Occupations Code, as follows:

(a) Requires TCLR by rule, rather than TSBPE by rule, to establish:

(1) creates this subdivision from existing Subdivision (a) and requires minimum curriculum standards for continuing education programs and courses, rather than requiring the recognition, approval, and administering of continuing education programs, for persons who hold a license or endorsement issued under this chapter. Makes nonsubstantive changes; and

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

(c) Deletes existing text requiring TSBPE by rule to adopt the criteria for the continuing professional education and requires TDLR to approve:

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

(2) an instructor who meets the minimum qualifications established by TCLR under Subsection (a).

(d) Authorizes a person to receive credit for participating in a continuing professional education program or course only if the program or course is approved by TDLR. Makes nonsubstantive changes.

(1)–(2) Deletes these subdivisions and existing text providing that the program or course is provided by an individual, business, or association approved by TSBPE and according to criteria adopted by TSBPE.

(e) Authorizes a person to complete the continuing professional education requirement of this section through a correspondence course as approved by TDLR, rather than TSBPE.

(f) Authorizes TCLR by rule, rather than TSBPE by rule, to exempt certain persons from the requirements of this section if TCLR, rather than TSBPE, determines that the exemption is in the public interest.

SECTION 36. Amends Section 1301.405, Occupations Code, as follows:

Sec. 1301.405. New heading: TRAINING FOR PLUMBER'S APPRENTICE. Authorizes TCLR by rule to establish continuing education requirements for persons who hold a certificate of registration under this chapter as a plumber's apprentice.

(a)-(c) Deletes these subsections and existing text relating to the requirements for renewing a certificate of registration as a drain cleaner, drain cleaner-restricted registrant, or residential utilities installer, text relating to authorization for a person to receive credit for participating in certain training programs, and text authorizing TSBPE by rule to exempt certain persons from the requirements of this section if TSBPE determines that the exemption is in the public interest.

SECTION 37. Amends Sections 1301.406(a) and (c), Occupations Code, as follows:

(a) Authorizes a person who holds an unexpired license under this chapter and whose license has been held continuously for at least 35 consecutive years, on approval by TDLR, rather than by TSBPE, to transfer the license number on the date of the person's retirement or death to another person who meets certain criteria.

(c) Requires TDLR, rather than TSBPE, to transfer a license number to a person who submits an application and presents evidence satisfactory to TDLR, rather than TSBPE, that certain criteria are met.

SECTION 38. Amends the heading to Subchapter I, Chapter 1301, Occupations Code, to read as follows:

SUBCHAPTER I. DISCIPLINARY ACTION

SECTION 39. Amends Section 1301.452, Occupations Code, as follows:

Sec. 1301.452. GROUNDS FOR DISCIPLINARY ACTION. Authorizes TCLR, TDLR, or the executive director to enforce this chapter, a rule adopted under this chapter, or an order of TCLR or the executive director as provided by Chapter 51 (Texas Department of Licensing and Regulation). Provides that a violation of this chapter includes:

(1) attempting to obtain or obtaining a license, endorsement, or registration through fraud, rather than obtaining a license, endorsement, or registration through error or fraud;

(2)–(3) makes no changes to these subdivisions;

(4) makes a nonsubstantive change;

(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, rather than for which a license, endorsement, or 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 or 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 (Adoption of Plumbing Codes); or

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

(a)-(b) Deletes designation of Subsection (a) and deletes text of existing Subsection (b) providing that a person is subject to disciplinary action under Section 1301.451 (Disciplinary Powers of Board) if the person violates this chapter, an order issued by TSBPE, or a TSBPE rule, and text authorizing retesting procedures to 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 40. Amends Section 1301.501(b), Occupations Code, to require TCLR, rather than TSBPE, to adopt rules under this section that include a list describing the types of plumbing to which this section applies.

SECTION 41. Amends Section 1301.502(a), Occupations Code, to delete existing text authorizing a field representative to issue a citation to a person who engages in conduct described by Section 1301.508 (Criminal Penalty) and make a nonsubstantive change.

SECTION 42. Amends Sections 1301.507 and 1301.5071, Occupations Code, as follows:

Sec. 1301.507. CIVIL PENALTY. Provides that a person who violates this chapter or a rule, permit, or order of TCLR issued under this chapter, rather than this chapter or a rule, permit, or order of TSBPE, is subject to a civil penalty of not less than \$50 or more than \$1,000 for each act of violation and for each day of violation after notice is provided to the person.

Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE; RESTITUTION. (a) Requires TCLR by rule, rather than TSBPE by rule, to establish procedures under which an informal settlement conference is conducted to resolve a complaint against a person licensed under this chapter.

(b) Authorizes the executive director, rather than TSBPE, subject to Subsection (c), to order a person licensed under this chapter to pay restitution to a person as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty, rather than instead

of or in addition to assessing an administrative penalty under Subchapter N (Administrative Penalty).

(c) Prohibits the executive director, rather than TSBPE, from requiring payment of other damages or estimate harm in a restitution order.

SECTION 43. Amends Section 1301.551(g), Occupations Code, by deleting existing text providing that a responsible master plumber is not required to pay a plumbing registration fee or administrative fee in a municipality or any other political subdivision and makes nonsubstantive changes.

SECTION 44. Amends Section 1301.552, Occupations Code, as follows:

Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT IN POLITICAL SUBDIVISION. Requires a political subdivision that requires a plumbing contractor or an agent of a plumbing contractor to obtain a permit before performing plumbing in the political subdivision to verify through TDLR's Internet website, or by contacting TDLR by telephone, that the plumbing contractor has on file with TDLR a certificate of insurance, rather than requiring a political subdivision that requires a responsible master plumber or an agent of a responsible master plumber to obtain a permit before performing plumbing in the political subdivision to verify through TSBPE's Internet website, or by contacting TSBPE by telephone, that the responsible master plumber has on file with TSBPE a certificate of insurance. Requires the certificate of insurance to:

(1) be written by an insurer authorized to engage in the business of insurance in this state or an eligible surplus lines insurer under Chapter 981 (Surplus Lines Insurance), Insurance Code, rather than an eligible surplus lines insurer as defined by Section 981.002 (Definitions), Insurance Code;

(2) makes a conforming change; and

(3) makes no changes to this subdivision.

SECTION 45. Amends Sections 1301.652(a) and (b), Occupations Code, as follows:

(a) Requires TDLR and the Texas Workforce Commission (TCW), rather than TSBPE and TWC, to, through the local workforce development boards, coordinate efforts to educate the public about the plumbing profession and the resources available to employers for the recruitment and training of plumbers, including providing certain information and Internet links.

(b) Authorizes TDLR, rather than TSBPE, to, during public and industry awareness seminars, raise awareness of the career ladder in the plumbing industry and the opportunities that plumbing apprenticeships offer.

SECTION 46. Amends Section 132.002(a), Education Code, as follows:

(a) Authorizes the following schools or educational institutions to be exempted from this chapter by TWC under Subsection (d):

(1)–(13) makes no changes to these subdivisions;

(14) a course of instruction by a plumbing trade association to prepare students for a plumbing test or program required for licensing, registration, or endorsement or to provide continuing education approved by TDLR, rather than for a plumbing test or program required for licensing, certification, or endorsement or to provide continuing education approved by TSBPE; and

(15) makes no changes to this subdivision.

SECTION 47. Amends Section 411.122(d), Government Code, as follows:

(d) Provides that the following state agencies are subject to this section:

(1)–(7) makes no changes to these subdivisions;

(8) HHSC, rather than the Texas Department of State Health Services (DSHS), except as provided by Section 411.110 (Access to Criminal History Record Information: Department of State Health Services), and agencies attached to the Public Safety Commission, rather than DPS, including certain boards;

(9)–(15) makes no changes to these subdivisions; and

(16) creates this subdivision from existing Subdivision (18), deletes existing Subdivisions (17) and (18) and existing text including TSBPE and the Texas State Board of Podiatric Medical Examiners (TSBPME), and renumbers subsequent subdivisions accordingly.

SECTION 48. Amends Section 2054.352(a), Government Code, as follows:

(a) Requires the following licensing entities to participate in the system established under Section 2054.353 (Electronic System for Occupational Licensing Transactions):

(1)–(11) makes no changes to these subdivisions;

(12) creates this subdivision from existing Subdivision (14), deletes existing Subdivisions (13) and (14) and existing text including TSBPE and TSBPME, and renumbers subsequent subdivisions accordingly; and

(20) HHSC, rather than DSHS.

SECTION 49. Amends Sections 341.034(d) and (e), Health and Safety Code, as follows:

(d) Requires a person who inspects homes and businesses to identify potential or actual cross-connections or other contaminant hazards in public water systems to hold a license issued by TNRCC under Chapter 37 (Occupational Licensing and Registration), Water Code, unless the person is licensed by TDLR, rather than TSBPE, as a plumbing inspector or water supply protection specialist.

(e) Requires a person, unless the person is licensed by TDLR to perform plumbing, rather than by TSPBE, to hold a license issued by TNRCC under Chapter 37, Water Code, if, under a contract, the person performs certain jobs.

SECTION 50. Amends Section 341.042(b-2), Health and Safety Code, as follows:

(b-2) Requires a person who installs and maintains rainwater harvesting systems that are connected to a public water supply system and are used for potable purposes to be licensed by TDLR, rather than TSBPE, as a master plumber or journeyman plumber and hold an endorsement issued by TDLR, rather than TSBPE, as a water supply protection specialist.

SECTION 51. Amends Section 341.068(b), Health and Safety Code, as follows:

(b) Requires the executive commissioner of HHSC to adopt rules to implement Subsection (a), including a rule that in providing sufficient restrooms a ratio of not less than 2:1 women's-to-men's restrooms or other minimum standards established in consultation with TDLR, rather than TSBPE, are required to be maintained if the use of the restrooms is designated by gender.

SECTION 52. Amends Section 372.003(d), Health and Safety Code, as follows:

(d) Requires rules adopted or amended under this section to be developed by TCEQ in conjunction with a technical advisory panel of designated representatives of the Texas Water Development Board and the advisory board established under Subchapter C, Chapter 1301, Occupations Code, rather than representatives of the Texas Water Development Board and TSBPE.

SECTION 53. Amends Sections 372.0035(f) and (h), Health and Safety Code, as follows:

(f) Authorizes TDLR, if a person licensed under Chapter 1301 (Plumbers), Occupations Code, violates this section, to discipline the person as if a violation of this section were a violation of Chapter 1301, Occupations Code, rather than authorizes TSBPE, if a person licensed under Chapter 1301, Occupations Code, violates this section, to discipline the person under Subchapter I (Disciplinary Procedures) of that chapter as if a violation of this section were a violation of that chapter.

(h) Deletes existing text authorizing a field representative of TSBPE to issue a citation to a person who violates this section.

SECTION 54. Amends Section 233.154(a), Local Government Code, as follows:

(a) Requires a person who builds new residential construction described by Section 233.153 (Building Code Standards Applicable) to have the construction inspected to ensure building code compliance in accordance with this section as follows:

(1)–(2) makes no changes to these subdivisions; and

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

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

(i)–(iii) makes no changes to these subparagraphs;

(iv) a plumbing inspector employed by a municipality and licensed by TDLR, rather than TSBPE;

(v)–(vi) makes no changes to these subparagraphs; and

(B) makes no changes to this paragraph.

SECTION 55. Amends Section 113.081(d), Natural Resources Code, as follows:

(d) Authorizes the Railroad Commission of Texas (railroad commission) by rule to exempt from Section 113.082(a)(4) (relating to authorization to apply to the railroad commission for a license to engage in certain LPG activities as a general installer and repairman) journeymen or master plumbers licensed by TDLR, rather than TSBPE. Makes a nonsubstantive change.

SECTION 56. Amends Section 113.087(o), Natural Resources Code, as follows:

(o) Authorizes the railroad commission by rule to exempt from any provision of this section:

(1) a journeyman or master plumber licensed by TDLR, rather than TSBPE;

(2) makes no changes to this subdivision; or

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

SECTION 57. Amends Section 113.097(j), Natural Resources Code, as follows:

(j) Authorizes the railroad commission by rule to 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 TDLR, rather than TSBPE; or
- (2) makes no changes to this subdivision.

SECTION 58. Amends Section 1903.002(b), Occupations Code, as follows:

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

- (1) licensed, endorsed, or registered by TDLR to perform plumbing, rather than licensed by TSBPE; or
- (2) makes no changes to this subdivision.

SECTION 59. Repealer: Section 51.351(c) (relating to authorizing a TDLR employee to check the license, registration, or endorsement of a person regulated by TSBPE in accordance with the memorandum of understanding under Section 1301.259 (Memorandum of Understanding) and report noncompliance), Occupations Code.

Repealer: Section 51.351(d) (relating to requiring TDLR to conduct joint investigations with TSBPE as circumstances require), Occupations Code.

Repealer: Section 1301.002(9-a) (relating to the definition of a "responsible master plumber"), Occupations Code.

Repealer: Section 1301.003 (Application of Sunset Act), Occupations Code.

Repealer: Section 1301.153 (Membership and Employee Restrictions), Occupations Code.

Repealer: Section 1301.155 (Issuance of Commission), Occupations Code.

Repealer: Section 1301.156 (Grounds for Removal), Occupations Code.

Repealer: Section 1301.159 (Training), Occupations Code.

Repealer: Section 1301.201 (Executive Director and Staff), Occupations Code.

Repealer: Section 1301.204 (Career Ladder Program; Performance Evaluations), Occupations Code.

Repealer: Section 1301.205 (Equal Employment Opportunity Policy), Occupations Code.

Repealer: Section 1301.207 (Standards of Conduct), Occupations Code.

Repealer: Section 1301.208 (Separation of Responsibilities), Occupations Code.

Repealer: Section 1301.252 (Rules Restricting Advertising or Competitive Bidding), Occupations Code.

Repealer: Section 1301.254 (Seal), Occupations Code.

Repealer: Section 1301.256 (Subpoena), Occupations Code.

Repealer: Section 1301.258 (Advisory Committees), Occupations Code, as added by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular Session, 2003.

Repealer: Section 1301.258 (Board Committees), Occupations Code, as added by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular Session, 2003.

Repealer: Section 1301.259 (Memorandum of Understanding), Occupations Code.

Repealer: Section 1301.260 (Policy on Technological Solutions), Occupations Code.

Repealer: Section 1301.261 (Negotiated Rulemaking and Alternative Dispute Resolution), Occupations Code.

Repealer: Section 1301.301 (Consumer Interest Information), Occupations Code.

Repealer: Section 1301.3015 (Public Participation), Occupations Code.

Repealer: Section 1301.303 (Complaints), Occupations Code.

Repealer: Section 1301.304 (Investigation of Complaints), Occupations Code.

Repealer: Section 1301.351(a-2) (relating to requiring a person that advertises or otherwise offers to perform or provide plumbing to secure the services of a responsible master plumber), Occupations Code.

Repealer: Section 1301.3521 (Examination Fee Refund), Occupations Code.

Repealer: Section 1301.355 (Examination Results), Occupations Code.

Repealer: Section 1301.356(c) (relating to an endorsement under this section being valid for three years and being authorized to be renewed as provided by TSBPE rule), Occupations Code.

Repealer: Section 1301.3565(c) (relating to an endorsement issued under this section being valid until the third anniversary of the date of issuance and being authorized to be renewed on compliance with any requirements prescribed by TSBPE rule), Occupations Code.

Repealer: Section 1301.357(c) (relating to an endorsement issued under this section being valid until the third anniversary of the date of issuance and being authorized to be renewed on compliance with any requirements prescribed by TSBPE rule), Occupations Code.

Repealer: Section 1301.358 (Out-Of-State Applicants; Provisional License), Occupations Code.

Repealer: Section 1301.3585 (License Eligibility Requirements for Applicants with Military Experience), Occupations Code.

Repealer: Section 1301.402 (Notice of License, Endorsement, or Registration Expiration), Occupations Code.

Repealer: Section 1301.403 (Procedure for Renewal), Occupations Code.

Repealer: Section 1301.451 (Disciplinary Powers of Board), Occupations Code.

Repealer: Section 1301.4521 (Consequences of Criminal Conviction), Occupations Code.

Repealer: Section 1301.4522 (Review of Application), Occupations Code.

Repealer: Section 1301.453 (Hearing), Occupations Code.

Repealer: Section 1301.454 (Administrative Procedure), Occupations Code.

Repealer: Section 1301.502(b) (relating to requiring TSBPE to adopt guidelines relating to the circumstances when a field representative is authorized to issue a citation and requiring the guidelines to encourage the use of certain other measures before the issuance of a citation), Occupations Code.

Repealer: Section 1301.504 (Injunction), Occupations Code.

Repealer: Section 1301.5045 (Cease and Desist Order), Occupations Code.

Repealer: Section 1301.505 (Representation by Attorney General), Occupations Code.

Repealer: Section 1301.506 (Appeal Bond Not Required), Occupations Code.

Repealer: Subchapter N (Administrative Penalty), Chapter 1301, Occupations Code.

SECTION 60. (a) Provides that TSBPE is abolished but continues in existence until September 1, 2020, for the sole purpose of transferring obligations, property, rights, powers, and duties to TDLR. Provides that TDLR assumes all of the obligations, property, rights, powers, and duties of TSBPE as they exist immediately before the effective date of this Act. Provides that all unexpended funds appropriated to TSBPE are transferred to TDLR.

(b) Requires TSBPE and TDLR to, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of TSBPE to TDLR is completed not later than September 1, 2020.

(c) Provides that all rules of TSBPE are continued in effect as rules of TDLR until superseded by a rule of TDLR. Provides that a license, endorsement, or certificate of registration issued by TSBPE is continued in effect as provided by the law in effect immediately before the effective date of this Act. Provides that an application for a license, endorsement, or certificate of registration pending on the effective date of this Act is continued without change in status after the effective date of this Act. Provides that 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) Provides that, unless the context indicates otherwise, a reference to TSBPE in a law or administrative rule means TDLR.

SECTION 61. Provides that, 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, is authorized to 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 is required to pay any fee required by law for the plumbing contractor license.

SECTION 62. (a) Requires the presiding officer of TCLR, not later than December 1, 2019, to appoint members of the advisory board in accordance with Section 1301.151, Occupations Code, as amended by this Act. Provides that a member whose term expired under Section 60 of this Act is eligible for appointment to the advisory board.

(b) Requires the members of TSBPE whose terms expire under Section 60 of this Act to continue to provide advice to TDLR until a majority of the members of the advisory board are appointed under Subsection (a) of this section and qualified.

SECTION 63. (a) Provides that not later than:

(1) September 1, 2021, TDLR is required to 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, TDLR is required to 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) Authorizes TDLR to suspend the license of a person who holds a license under Chapter 1301, Occupations Code, who does not comply with a request by TDLR to provide information or fingerprints, in a form and manner prescribed by TDLR, that would enable TDLR to obtain criminal history record information as required by this section.

SECTION 64. (a) Provides that 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) Provides that, 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. Provides that 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. Effective date: September 1, 2019.