

1-1 By: Thompson of Harris, et al. H.B. No. 636
 1-2 (Senate Sponsor - Whitmire)
 1-3 (In the Senate - Received from the House April 14, 2021;
 1-4 April 21, 2021, read first time and referred to Committee on
 1-5 Natural Resources & Economic Development; May 11, 2021, reported
 1-6 favorably by the following vote: Yeas 8, Nays 0; May 11, 2021, sent
 1-7 to printer.)

1-8 COMMITTEE VOTE

1-9	Yea	Nay	Absent	PNV
1-10	Birdwell	X		
1-11	Zaffirini	X		
1-12	Alvarado	X		
1-13	Hancock	X		
1-14	Hinojosa	X		
1-15	Hughes	X		
1-16	Kolkhorst		X	
1-17	Lucio	X		
1-18	Seliger	X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the continuation and functions of the Texas State Board
 1-22 of Plumbing Examiners; authorizing a fee.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 1301.002(9-a), Occupations Code, is
 1-25 amended to read as follows:

1-26 (9-a) "Responsible master plumber" means a person
 1-27 licensed as a master plumber under this chapter who:

1-28 (A) allows the person's master plumber license to
 1-29 be used by one plumbing company for the purpose of offering and
 1-30 performing plumbing work under the person's master plumber license;

1-31 (B) is authorized to obtain permits for plumbing
 1-32 work;

1-33 (C) assumes responsibility for plumbing work
 1-34 performed under the person's license; and

1-35 (D) has submitted a certificate of insurance as
 1-36 required by Section 1301.3576 [~~and~~

1-37 [~~(E) has completed a training program required by~~
 1-38 ~~Section 1301.3576].~~

1-39 SECTION 2. Section 1301.002(10), Occupations Code, is
 1-40 amended to read as follows:

1-41 (10) "Tradesman plumber-limited license holder" means
 1-42 a person who:

1-43 (A) has:

1-44 (i) completed at least 4,000 hours working
 1-45 under the direct supervision of a journeyman or master plumber as a
 1-46 plumber's apprentice; or

1-47 (ii) successfully completed a coherent
 1-48 sequence of courses in the plumbing trade that are offered through a
 1-49 career and technology education program, as described by Section
 1-50 1301.3542;

1-51 (B) has passed the required examination;

1-52 (C) constructs and installs plumbing for
 1-53 one-family or two-family dwellings under the supervision of a
 1-54 responsible master plumber; and

1-55 (D) has fulfilled the other requirements of the
 1-56 board.

1-57 SECTION 3. Section 1301.003, Occupations Code, is amended
 1-58 to read as follows:

1-59 Sec. 1301.003. APPLICATION OF SUNSET ACT. The Texas State
 1-60 Board of Plumbing Examiners is subject to Chapter 325, Government
 1-61 Code (Texas Sunset Act). Unless continued in existence as provided

2-1 by that chapter, the board is abolished and this chapter expires
 2-2 September 1, 2027 [~~2019~~].

2-3 SECTION 4. The heading to Section 1301.202, Occupations
 2-4 Code, is amended to read as follows:

2-5 Sec. 1301.202. CERTAIN PLUMBING EXAMINERS [EXAMINER].

2-6 SECTION 5. Section 1301.202(a), Occupations Code, is
 2-7 amended to read as follows:

2-8 (a) If an examination required for the issuance of a
 2-9 license, registration, or endorsement under this chapter contains a
 2-10 practical component, the [The] board shall employ or contract with
 2-11 one or more plumbing examiners to administer that portion of the
 2-12 examination. [A plumbing examiner serves at the will of the board.]
 2-13 A plumbing examiner must:

2-14 (1) hold a license as a plumber issued under this
 2-15 chapter;

2-16 (2) be knowledgeable of this chapter and municipal
 2-17 ordinances relating to plumbing; and

2-18 (3) be qualified by experience and training in
 2-19 plumbing practice.

2-20 SECTION 6. Section 1301.203(b), Occupations Code, is
 2-21 amended to read as follows:

2-22 (b) A field representative may:

2-23 (1) conduct on-site license checks to determine
 2-24 compliance with this chapter;

2-25 (2) investigate consumer complaints filed under
 2-26 Section 1301.303;

2-27 (3) assist municipal plumbing inspectors in enforcing
 2-28 this chapter; and

2-29 (4) ~~[issue citations as provided by Section 1301.502,~~
 2-30 ~~and~~

2-31 ~~[(5)]~~ in the performance of the field representative's
 2-32 other duties under this chapter, check the license, registration,
 2-33 or endorsement of a person regulated by the Texas Department of
 2-34 Licensing and Regulation in accordance with the memorandum of
 2-35 understanding adopted under Section 1301.259 and report any
 2-36 noncompliance to that agency.

2-37 SECTION 7. Section 1301.203, Occupations Code, is amended
 2-38 by adding Subsection (c) to read as follows:

2-39 (c) The board by rule shall assign priorities and prescribe
 2-40 procedures for conducting checks described by Subsection (b)(1)
 2-41 based on:

2-42 (1) the degree of potential harm to public health,
 2-43 safety, or property;

2-44 (2) the history of previous violations of this chapter
 2-45 or a rule adopted under this chapter by a person regulated under
 2-46 this chapter; and

2-47 (3) any other indication of increased risk to public
 2-48 health, safety, or property, as determined by the board.

2-49 SECTION 8. Section 1301.258(b), Occupations Code, as added
 2-50 by Chapter 819 (S.B. 282), Acts of the 78th Legislature, Regular
 2-51 Session, 2003, is amended to read as follows:

2-52 (b) The presiding officer of the board shall appoint the
 2-53 members of the committees. ~~[Except as provided by Subsection (c),~~
 2-54 ~~each committee member must be a member of the board.]~~

2-55 SECTION 9. Subchapter E, Chapter 1301, Occupations Code, is
 2-56 amended by adding Section 1301.263 to read as follows:

2-57 Sec. 1301.263. EXAMINATION ADMINISTRATION AND CONTENT. (a)
 2-58 The board may adopt, recognize, develop, or contract for an
 2-59 examination required by this chapter, including the administration
 2-60 of the examination.

2-61 (b) For each examination required by this chapter, the board
 2-62 shall, to the extent feasible, adopt, recognize, develop, or
 2-63 contract for an examination that includes components that may be
 2-64 administered:

2-65 (1) in writing or online; and

2-66 (2) by a person other than a plumbing examiner
 2-67 described by Section 1301.202.

2-68 (c) The board shall determine the passing score for an
 2-69 examination required by this chapter.

3-1 SECTION 10. Section 1301.303(e), Occupations Code, is
 3-2 amended to read as follows:

3-3 (e) The board by rule shall assign priorities and prescribe
 3-4 investigative procedures for investigations of complaints based
 3-5 on:

3-6 (1) the severity of the conduct alleged in the
 3-7 complaint; ~~and~~

3-8 (2) the degree of harm to public health, safety, or
 3-9 property;

3-10 (3) the history of previous violations of this chapter
 3-11 by the person who is the subject of the complaint; and

3-12 (4) any other indication of increased risk to public
 3-13 health, safety, or property, as determined by the board.

3-14 SECTION 11. Section 1301.304(a), Occupations Code, is
 3-15 amended to read as follows:

3-16 (a) The board ~~[enforcement committee]~~ or an employee
 3-17 designated by the board ~~[enforcement committee]~~ may investigate an
 3-18 alleged violation of this chapter or a board rule ~~[that is reported~~
 3-19 ~~to the board]~~.

3-20 SECTION 12. Subchapter F, Chapter 1301, Occupations Code,
 3-21 is amended by adding Section 1301.305 to read as follows:

3-22 Sec. 1301.305. PUBLIC ACCESS TO INFORMATION RELATING TO
 3-23 DISCIPLINARY ACTIONS. (a) The board shall make available to the
 3-24 public through a toll-free telephone number, Internet website, or
 3-25 other easily accessible medium determined by the board the
 3-26 following information relating to a disciplinary action taken
 3-27 regarding a person regulated under this chapter:

3-28 (1) the identity of the person;

3-29 (2) the nature of the complaint that was the basis of
 3-30 the disciplinary action; and

3-31 (3) the disciplinary action taken by the board.

3-32 (b) The board may not include the name of the person who
 3-33 filed the complaint in the information made available under
 3-34 Subsection (a).

3-35 (c) The board shall present the information made available
 3-36 under Subsection (a) in an impartial manner using commonly
 3-37 understood language.

3-38 (d) The board shall regularly update the information made
 3-39 available under this section.

3-40 SECTION 13. Subchapter G, Chapter 1301, Occupations Code,
 3-41 is amended by adding Section 1301.3515 to read as follows:

3-42 Sec. 1301.3515. CRIMINAL HISTORY RECORD INFORMATION FOR
 3-43 LICENSE ISSUANCE. (a) The board shall require that an applicant
 3-44 for a license submit a complete and legible set of fingerprints, on
 3-45 a form prescribed by the board, to the board or to the Department of
 3-46 Public Safety for the purpose of obtaining criminal history record
 3-47 information from the Department of Public Safety and the Federal
 3-48 Bureau of Investigation.

3-49 (b) The board may not issue a license to a person who does
 3-50 not comply with the requirement of Subsection (a).

3-51 (c) The board shall conduct a criminal history record
 3-52 information check of each applicant for a license using
 3-53 information:

3-54 (1) provided by the individual under this section; and

3-55 (2) made available to the department by the Department
 3-56 of Public Safety, the Federal Bureau of Investigation, and any
 3-57 other criminal justice agency under Chapter 411, Government Code.

3-58 (d) The board may:

3-59 (1) enter into an agreement with the Department of
 3-60 Public Safety to administer a criminal history record information
 3-61 check required under this section; and

3-62 (2) authorize the Department of Public Safety to
 3-63 collect from each applicant the costs incurred by the Department of
 3-64 Public Safety in conducting the criminal history record information
 3-65 check.

3-66 SECTION 14. Subchapter G, Chapter 1301, Occupations Code,
 3-67 is amended by adding Section 1301.3542 to read as follows:

3-68 Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR
 3-69 TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a)

4-1 Notwithstanding Section 1301.354, a person who successfully
 4-2 completes a coherent sequence of courses in the plumbing trade that
 4-3 are offered through a career and technology education program may
 4-4 apply for and take an examination for a license as a tradesman
 4-5 plumber-limited license holder. The board may not require the
 4-6 person to register as a plumber's apprentice, pay any fee, or comply
 4-7 with Section 1301.354 or any other requirement of this chapter that
 4-8 applies to a person's eligibility to apply for and take the
 4-9 examination.

4-10 (b) A student of any age enrolled in a high school or
 4-11 institution of higher education is eligible to take the sequence of
 4-12 courses described by Subsection (a) without registering as a
 4-13 plumber's apprentice, paying any registration fee to the board, or
 4-14 complying with Section 1301.354 or any other requirement of this
 4-15 chapter that applies to enrolling or participating in those
 4-16 courses.

4-17 (c) If an applicant described by Subsection (a)
 4-18 successfully passes the examination for a license as a tradesman
 4-19 plumber-limited license holder, the board shall issue the applicant
 4-20 the license.

4-21 (d) The board shall develop the courses described by
 4-22 Subsection (a). If the courses are to be offered at a high school,
 4-23 the courses must be approved by the State Board of Education.

4-24 (e) The courses must include an appropriate number of hours
 4-25 of classroom instruction and a practical component. The board may
 4-26 credit on-the-job training toward meeting the requirements under
 4-27 the practical component.

4-28 (f) A person may not provide instruction in a career and
 4-29 technology education program described by this section unless the
 4-30 person is licensed under this chapter as a master plumber,
 4-31 journeyman plumber, or plumbing inspector.

4-32 (g) A person described by Subsection (f) may provide the
 4-33 instruction in a full-time or part-time capacity as an employee,
 4-34 contractor, or volunteer of a high school or institution of higher
 4-35 education.

4-36 (h) The board may adopt rules necessary to implement this
 4-37 section, including procedures to verify a student's successful
 4-38 completion of the sequence of courses described by Subsection (a).

4-39 (i) In this section:

4-40 (1) "Career and technology education program" means a
 4-41 career and technology education program under Subchapter F, Chapter
 4-42 29, Education Code, or similar program offered by an institution of
 4-43 higher education.

4-44 (2) "Institution of higher education" means an
 4-45 institution of higher education or a private or independent
 4-46 institution of higher education as those terms are defined by
 4-47 Section 61.003, Education Code.

4-48 SECTION 15. Section 1301.3576, Occupations Code, is amended
 4-49 to read as follows:

4-50 Sec. 1301.3576. CERTIFICATE OF INSURANCE [~~AND TRAINING~~] FOR
 4-51 RESPONSIBLE MASTER PLUMBER. Before a master plumber works as a
 4-52 responsible master plumber, the master plumber must~~+~~

4-53 [~~(1)~~] provide the board with a certificate of
 4-54 insurance that meets the requirements of Section 1301.552~~[, and~~

4-55 [~~(2)~~] present evidence satisfactory to the board of
 4-56 successful completion of a training program approved or
 4-57 administered by the board regarding the laws and rules applicable
 4-58 to the operation of a plumbing business in this state].

4-59 SECTION 16. Subchapter G, Chapter 1301, Occupations Code,
 4-60 is amended by adding Section 1301.3581 to read as follows:

4-61 Sec. 1301.3581. RECIPROCITY. (a) The board may waive any
 4-62 prerequisite to obtaining a license, registration, or endorsement
 4-63 issued under this chapter for an applicant who holds a similar
 4-64 license, registration, or endorsement issued by another
 4-65 jurisdiction that has licensing requirements substantially
 4-66 equivalent to those of this state.

4-67 (b) The board may make an agreement, subject to the approval
 4-68 of the governor, with another state to allow for licensing by
 4-69 reciprocity if the other state has requirements for a license,

5-1 registration, or endorsement substantially equivalent to those of
 5-2 this state.

5-3 (c) An applicant under this section must:

5-4 (1) apply in the same manner and form as any other
 5-5 applicant under this chapter; and

5-6 (2) provide the board with documents and other
 5-7 evidence that substantiate the applicant's qualifications.

5-8 (d) An applicant for a license, registration, or
 5-9 endorsement issued under this section may not be required to
 5-10 undergo an examination to obtain the license, registration, or
 5-11 endorsement if the applicant has held an equivalent license,
 5-12 registration, or endorsement in another jurisdiction for at least
 5-13 two years. The board may adopt rules for determining whether a
 5-14 license, registration, or endorsement issued by another
 5-15 jurisdiction is equivalent to a license, registration, or
 5-16 endorsement issued under this chapter.

5-17 SECTION 17. Subchapter G, Chapter 1301, Occupations Code,
 5-18 is amended by adding Section 1301.360 to read as follows:

5-19 Sec. 1301.360. TEMPORARY LICENSE. (a) The board by rule
 5-20 may provide for the issuance of a temporary license to an applicant
 5-21 who:

5-22 (1) submits to the board an application on a form
 5-23 prescribed by the board;

5-24 (2) meets preliminary qualifications established by
 5-25 board rule; and

5-26 (3) pays a fee set by the board.

5-27 (b) A temporary license issued under this section expires on
 5-28 the 30th day after the date of issuance and may not be renewed.

5-29 (c) A temporary license holder is subject to:

5-30 (1) this chapter;

5-31 (2) any law applicable to the activity for which the
 5-32 license is required, including municipal rules, orders, or
 5-33 ordinances; and

5-34 (3) any rule of the board applicable to the license.

5-35 SECTION 18. Section 1301.401, Occupations Code, is amended
 5-36 to read as follows:

5-37 Sec. 1301.401. ANNUAL RENEWAL REQUIRED; EXCEPTION. (a) A
 5-38 license, ~~or~~ registration, or endorsement under this chapter is
 5-39 valid for one year. Except as provided by Subsection (d), on ~~on~~
 5-40 payment of the required fee, a license, registration, or
 5-41 endorsement may be renewed annually.

5-42 (b) The board by rule may adopt a system under which
 5-43 licenses, endorsements, and registrations expire on various dates
 5-44 during the year.

5-45 (c) An endorsement issued under Section 1301.356,
 5-46 1301.3565, or 1301.357 expires on the date the master plumber or
 5-47 journeyman plumber license of the endorsement holder expires. The
 5-48 board shall adopt rules to provide for the license holder to renew
 5-49 the endorsement in the same transaction as the license if the
 5-50 license holder:

5-51 (1) has completed any continuing education
 5-52 requirement established by rule and applicable to the endorsement;
 5-53 and

5-54 (2) complies with other requirements prescribed by
 5-55 board rule.

5-56 (d) A person who is employed by, under contract with, or
 5-57 engaged as a volunteer by a school or institution of higher
 5-58 education to provide instruction in a career and technology
 5-59 education program described by Section 1301.3542 and provides
 5-60 meaningful course instruction in the program, as determined under
 5-61 rules adopted under Section 1301.407, is not required to pay a fee
 5-62 to renew the person's license.

5-63 SECTION 19. Section 1301.404, Occupations Code, is amended
 5-64 by amending Subsections (a), (b), (c), (d), and (e) and adding
 5-65 Subsection (g) to read as follows:

5-66 (a) The board by rule shall establish:

5-67 (1) minimum curriculum standards for ~~recognize,~~
 5-68 ~~approve, and administer~~ continuing education programs and courses
 5-69 for persons who hold a license ~~licenses~~ or endorsement issued

6-1 ~~[endorsements]~~ under this chapter; and
 6-2 (2) minimum qualifications for an instructor of the
 6-3 continuing education programs and courses described by Subdivision
 6-4 (1).

6-5 (b) A person who holds a license or endorsement under this
 6-6 chapter must complete at least six hours of continuing professional
 6-7 education annually ~~[each year the person holds the license or~~
 6-8 ~~endorsement]~~ to renew the person's license or endorsement. Three of
 6-9 the six hours must be in the subjects of health protection, energy
 6-10 conservation, and water conservation.

6-11 (c) The executive director shall approve:

6-12 (1) a program or course that meets the minimum
 6-13 curriculum standards established by the board under Subsection (a);
 6-14 and

6-15 (2) an instructor who meets the minimum qualifications
 6-16 established by the board under Subsection (a) ~~[board by rule shall~~
 6-17 ~~adopt the criteria for the continuing professional education].~~

6-18 (d) A person may receive credit for participating in a
 6-19 continuing professional education program or course only if the
 6-20 program or course is approved by the executive director ~~[provided:~~

6-21 ~~[(1) by an individual, business, or association~~
 6-22 ~~approved by the board; and~~

6-23 ~~[(2) according to criteria adopted by the board].~~

6-24 (e) A person may complete the continuing professional
 6-25 education requirement of this section through a correspondence
 6-26 course as approved by the executive director ~~[board].~~

6-27 (g) A person who is employed by, under contract with, or
 6-28 engaged as a volunteer by a school or institution of higher
 6-29 education to provide instruction in a career and technology
 6-30 education program described by Section 1301.3542 and provides
 6-31 meaningful course instruction in the program, as determined under
 6-32 rules adopted under Section 1301.407, may renew the person's
 6-33 license and any endorsement without complying with Subsection (b)
 6-34 if the person completes the hours of continuing professional
 6-35 education required by that subsection every three years.

6-36 SECTION 20. Section 1301.405, Occupations Code, is amended
 6-37 by adding Subsections (a-1) and (a-2) and amending Subsection (b)
 6-38 to read as follows:

6-39 (a-1) The board by rule shall establish:

6-40 (1) minimum curriculum standards for a training
 6-41 program described by Subsection (a) for persons who hold a
 6-42 registration under this chapter; and

6-43 (2) minimum qualifications for an instructor of the
 6-44 training program.

6-45 (a-2) The executive director shall approve:

6-46 (1) a training program that meets the minimum
 6-47 curriculum standards established by the board under Subsection
 6-48 (a-1); and

6-49 (2) an instructor who meets the minimum qualifications
 6-50 established by the board under Subsection (a-1).

6-51 (b) A person may receive credit for participating in a
 6-52 training program only if the program is ~~[provided:~~

6-53 ~~[(1) by a person]~~ approved by the executive director
 6-54 ~~[board; and~~

6-55 ~~[(2) according to criteria adopted by the board].~~

6-56 SECTION 21. Subchapter H, Chapter 1301, Occupations Code,
 6-57 is amended by adding Section 1301.4055 to read as follows:

6-58 Sec. 1301.4055. PERIOD FOR COMPLETING CONTINUING
 6-59 EDUCATION. The board shall adopt rules to ensure that each holder
 6-60 of a license, registration, or endorsement has at least 12 months to
 6-61 complete any continuing education required for the renewal of the
 6-62 license, registration, or endorsement.

6-63 SECTION 22. Subchapter H, Chapter 1301, Occupations Code,
 6-64 is amended by adding Section 1301.407 to read as follows:

6-65 Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN
 6-66 EXEMPTIONS. The board, in consultation with the State Board of
 6-67 Education and the Texas Higher Education Coordinating Board, as
 6-68 appropriate, may adopt rules as necessary to verify whether a
 6-69 person qualifies for an exemption from the required renewal fee, as

7-1 described by Section 1301.401(c), or an exemption from required
 7-2 continuing professional education, as described by Section
 7-3 1301.404(g), including rules providing for obtaining and
 7-4 evaluating written verification from the applicable school or
 7-5 institution of higher education of the person's provision of
 7-6 meaningful course instruction in a career and technology education
 7-7 program described by Section 1301.3542.

7-8 SECTION 23. Section 1301.452(a), Occupations Code, is
 7-9 amended to read as follows:

7-10 (a) A person is subject to disciplinary action under Section
 7-11 1301.451 if the person violates this chapter, an order issued by the
 7-12 board, or a board rule. A violation of this chapter includes:

7-13 (1) attempting to obtain or obtaining a license,
 7-14 endorsement, or registration through [error or] fraud;

7-15 (2) wilfully, negligently, or arbitrarily violating a
 7-16 municipal rule or ordinance that regulates sanitation, drainage, or
 7-17 plumbing;

7-18 (3) making a misrepresentation of services provided or
 7-19 to be provided;

7-20 (4) making a false promise with the intent to induce a
 7-21 person to contract for a service; [or]

7-22 (5) employing a person who does not hold a license or
 7-23 endorsement or who is not registered to engage in an activity for
 7-24 which a license, endorsement, or registration is required under
 7-25 this chapter;

7-26 (6) performing plumbing without holding the proper
 7-27 license, endorsement, or registration required by this chapter; or

7-28 (7) performing plumbing in violation of a plumbing
 7-29 code adopted under Section 1301.255.

7-30 SECTION 24. Section 1301.502(a), Occupations Code, is
 7-31 amended to read as follows:

7-32 (a) A ~~[field representative,]~~ water district plumbing
 7-33 inspector~~[,]~~ or, within the jurisdiction of the municipality,
 7-34 municipal plumbing inspector may issue a citation to a person who
 7-35 engages in conduct described by Section 1301.508.

7-36 SECTION 25. Section 1301.5071, Occupations Code, is amended
 7-37 by adding Subsection (a-1) to read as follows:

7-38 (a-1) The procedures established under Subsection (a) must:

7-39 (1) identify the types of complaints for which an
 7-40 informal settlement conference may be used; and

7-41 (2) require appropriate documentation of each
 7-42 informal settlement conference that is conducted, including the
 7-43 outcome of the conference.

7-44 SECTION 26. The heading to Section 1301.703, Occupations
 7-45 Code, is amended to read as follows:

7-46 Sec. 1301.703. ~~[REPORT AND]~~ NOTICE OF VIOLATION AND
 7-47 PENALTY.

7-48 SECTION 27. Sections 1301.703(a) and (b), Occupations Code,
 7-49 are amended to read as follows:

7-50 (a) If the board ~~[enforcement committee]~~ determines that a
 7-51 violation occurred, the board ~~[enforcement committee may issue to~~
 7-52 ~~the board a report stating:~~

7-53 (1) ~~the facts on which the determination is based;~~
 7-54 ~~and~~

7-55 (2) ~~the committee's recommendation on the imposition~~
 7-56 ~~of the penalty, including a recommendation on the amount of the~~
 7-57 ~~penalty.~~

7-58 (b) ~~Not later than the 14th day after the date the report is~~
 7-59 ~~issued, the enforcement committee] shall give written notice of the~~
 7-60 ~~violation [report] to the person alleged to have committed the~~
 7-61 ~~violation.~~

7-62 SECTION 28. Sections 1301.704(a) and (b), Occupations Code,
 7-63 are amended to read as follows:

7-64 (a) Not later than the 20th day after the date the person
 7-65 receives the notice, the person in writing may:

7-66 (1) accept the determination and recommended penalty
 7-67 of the board ~~[enforcement committee]; or~~

7-68 (2) make a request for a hearing on the occurrence of
 7-69 the violation, the amount of the penalty, or both.

8-1 (b) If the person accepts the determination and recommended
8-2 penalty of the board [~~enforcement committee~~], the board by order
8-3 shall approve the determination and impose the recommended penalty.

8-4 SECTION 29. Section 1301.705(a), Occupations Code, is
8-5 amended to read as follows:

8-6 (a) If the person requests a hearing, the board [~~enforcement
8-7 committee~~] shall set a hearing and give written notice of the
8-8 hearing to the person. An administrative law judge of the State
8-9 Office of Administrative Hearings shall hold the hearing.

8-10 SECTION 30. Sections 1301.708(a) and (b), Occupations Code,
8-11 are amended to read as follows:

8-12 (a) Within the 30-day period prescribed by Section
8-13 1301.707, a person who files a petition for judicial review may:

8-14 (1) stay enforcement of the penalty by:

8-15 (A) paying the penalty to the court for placement
8-16 in an escrow account; or

8-17 (B) giving the court a supersedeas bond approved
8-18 by the court that:

8-19 (i) is for the amount of the penalty; and

8-20 (ii) is effective until all judicial review
8-21 of the board's order is final; or

8-22 (2) request the court to stay enforcement of the
8-23 penalty by:

8-24 (A) filing with the court a sworn affidavit of
8-25 the person stating that the person is financially unable to pay the
8-26 penalty and is financially unable to give the supersedeas bond; and

8-27 (B) sending a copy of the affidavit to the board
8-28 [~~enforcement committee~~] by certified mail.

8-29 (b) If the board [~~enforcement committee~~] receives a copy of
8-30 an affidavit under Subsection (a)(2), the executive director may
8-31 file with the court, not later than the fifth day after the date the
8-32 copy is received, a contest to the affidavit.

8-33 SECTION 31. Section 372.0035(h), Health and Safety Code, is
8-34 amended to read as follows:

8-35 (h) ~~Within [A field representative of the Texas State Board
8-36 of Plumbing Examiners or, within] the jurisdiction of a~~
8-37 municipality, a municipal plumbing inspector may issue a citation
8-38 to a person who violates this section.

8-39 SECTION 32. The following provisions of the Occupations
8-40 Code are repealed:

8-41 (1) Section 1301.258(c), as added by Chapter 819 (S.B.
8-42 282), Acts of the 78th Legislature, Regular Session, 2003;

8-43 (2) Section 1301.304(b);

8-44 (3) Section 1301.356(c);

8-45 (4) Section 1301.3565(c);

8-46 (5) Section 1301.357(c);

8-47 (6) Section 1301.358;

8-48 (7) Section 1301.403(f);

8-49 (8) Section 1301.4522;

8-50 (9) Section 1301.502(b); and

8-51 (10) Section 1301.505.

8-52 SECTION 33. (a) Not later than:

8-53 (1) September 1, 2023, the Texas State Board of
8-54 Plumbing Examiners shall obtain criminal history record
8-55 information using a person's name, date of birth, and other
8-56 alphanumeric identifiers on each person who:

8-57 (A) on September 1, 2021, holds a license issued
8-58 under Chapter 1301, Occupations Code; and

8-59 (B) did not undergo a criminal history record
8-60 information check based on the person's name or fingerprints on
8-61 submission of the person's initial license application; and

8-62 (2) September 1, 2025, the Texas State Board of
8-63 Plumbing Examiners shall obtain criminal history record
8-64 information using a person's fingerprints on each person who:

8-65 (A) on September 1, 2021, holds a license issued
8-66 under Chapter 1301, Occupations Code; and

8-67 (B) did not undergo a criminal history record
8-68 information check based on the person's fingerprints on submission
8-69 of the person's initial license application.

9-1 (b) The Texas State Board of Plumbing Examiners may suspend
9-2 the license of a person who holds a license under Chapter 1301,
9-3 Occupations Code, who does not comply with a request by the board to
9-4 provide information or fingerprints, in a form and manner
9-5 prescribed by the board, that would enable the board to obtain
9-6 criminal history record information as required by this section.

9-7 SECTION 34. Notwithstanding Section 1301.003, Occupations
9-8 Code, it is the intent of the legislature in enacting this Act to
9-9 amend Chapter 1301, Occupations Code, as that chapter was continued
9-10 in existence by Executive Order No. GA-06.

9-11 SECTION 35. As soon as practicable after the effective date
9-12 of this Act, the board shall adopt rules necessary to implement the
9-13 changes in law made by this Act to Chapter 1301, Occupations Code.

9-14 SECTION 36. The change in law made by this Act to Section
9-15 1301.452, Occupations Code, applies only to conduct that occurs on
9-16 or after the effective date of this Act. Conduct that occurs before
9-17 that date is governed by the law in effect on the date the conduct
9-18 occurred, and the former law is continued in effect for that
9-19 purpose.

9-20 SECTION 37. This Act takes effect immediately if it
9-21 receives a vote of two-thirds of all the members elected to each
9-22 house, as provided by Section 39, Article III, Texas Constitution.
9-23 If this Act does not receive the vote necessary for immediate
9-24 effect, this Act takes effect September 1, 2021.

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