

By: King of Parker

H.B. No. 2665

A BILL TO BE ENTITLED

AN ACT

relating to abolishing the Texas Funeral Service Commission and the Texas State Board of Plumbing Examiners and transferring the functions of those agencies to the Texas Department of Licensing and Regulation.

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

ARTICLE 1. ABOLISHING TEXAS FUNERAL SERVICE COMMISSION

SECTION 1.01. Section 651.001, Occupations Code, is amended by amending Subdivisions (2) and (14) and adding Subdivision (3-a) to read as follows:

(2) "Commission" means the Texas ~~[Funeral Service]~~ Commission of Licensing and Regulation.

(3-a) "Department" means the Texas Department of Licensing and Regulation.

(14) "Provisional license holder" means a person who:

(A) is engaged in learning the practice of funeral directing or embalming under the instruction, direction, and personal supervision of a funeral director or embalmer; and

(B) holds a provisional license issued by the department ~~[commission]~~ under this chapter.

SECTION 1.02. Section 651.003(b), Occupations Code, is amended to read as follows:

(b) The authority of the department and commission under Chapter 154, Finance Code, is limited to:

- 1 (1) imposing an administrative penalty;
2 (2) issuing a reprimand; or
3 (3) suspending, revoking, or probating a license
4 issued by the department [~~commission~~].

5 SECTION 1.03. Section 651.004, Occupations Code, is amended
6 to read as follows:

7 Sec. 651.004. REGULATION OF CEMETERY AND CREMATORY
8 SERVICES. (a) The department [~~commission~~] shall regulate cemetery
9 and crematory services as provided by this chapter and Chapter 716,
10 Health and Safety Code.

11 (b) The department [~~commission~~] may not regulate cemetery
12 or crematory services that occur after burial or inurnment unless
13 the services relate to the care and treatment of the remains in an
14 urn, casket, or outer enclosure.

15 SECTION 1.04. The heading to Subchapter D, Chapter 651,
16 Occupations Code, is amended to read as follows:

17 SUBCHAPTER D. ADMINISTRATION OF CHAPTER [~~COMMISSION POWERS AND~~
18 ~~DUTIES~~]

19 SECTION 1.05. Sections 651.151(b) and (c), Occupations
20 Code, are amended to read as follows:

21 (b) The department [~~commission~~] shall examine each
22 applicant for a funeral director's license, embalmer's license, or
23 provisional license and shall issue the appropriate license to a
24 person who meets the licensing requirements.

25 (c) The commission may appoint a committee [~~from its~~
26 ~~members~~] to consider and make a recommendation on a matter referred
27 to the committee by the commission.

SECTION 1.06. Section 651.152, Occupations Code, is amended to read as follows:

Sec. 651.152. RULES; PROCEDURES; FORMS. The commission shall adopt rules and~~[7]~~ establish procedures~~[7]~~ and the department shall prescribe forms necessary to administer and enforce this chapter and Chapters 714 and 715, Health and Safety Code.

SECTION 1.07. Section 651.154, Occupations Code, is amended to read as follows:

Sec. 651.154. FEES FOR PERPETUAL CARE CEMETERY PROHIBITED.

~~[(a) The commission shall set the following fees in amounts reasonable and necessary to administer this chapter:~~

~~[(1) the funeral director's and embalmer's application fee, license fee, duplicate license fee, and reciprocal license fee; and~~

~~[(2) the cemetery, crematory, or funeral establishment license fee, renewal fee, and late renewal penalty.~~

~~[(b) The commission shall set the provisional license fee, examination fee, renewal fee, and late renewal penalty in amounts reasonable and necessary to administer the provisional license program.~~

~~[(c)]~~ The department ~~[commission]~~ may not charge a fee to a perpetual care cemetery, including a fee for issuing or renewing a license issued under this chapter.

SECTION 1.08. Section 651.155(a), Occupations Code, is amended to read as follows:

(a) On presentation to the department ~~[commission]~~ of evidence as prescribed by the commission, a license holder or

1 provisional license holder actively engaged in the military service
2 of the United States is exempt from the payment of license fees for
3 the duration of the holder's military service or from the amount of
4 fees and for the time the department [~~commission~~] considers
5 advisable.

6 SECTION 1.09. Section 651.157, Occupations Code, is amended
7 to read as follows:

8 Sec. 651.157. INSPECTION OF CEMETERY, CREMATORY, OR FUNERAL
9 ESTABLISHMENT. (a) Except as provided by Subsection (b), a
10 licensed cemetery, crematory, or funeral establishment shall be
11 inspected at least once every two years by an agent of the
12 department [~~commission~~] or by an agent of the state or a political
13 subdivision authorized by the department [~~commission~~] to make
14 inspections on its behalf.

15 (b) If the department [~~commission~~] finds a violation of this
16 chapter or of Chapter 193, 361, 711, 714, 715, or 716, Health and
17 Safety Code, the department [~~commission~~] shall inspect the
18 cemetery, crematory, or funeral establishment annually until the
19 department [~~commission~~] determines that the establishment is free
20 of violations.

21 (c) A report of each inspection made under this section
22 shall be filed with the department [~~commission~~].

23 (d) The commission by rule shall establish:

24 (1) procedures for the inspection of a cemetery,
25 crematory, or funeral establishment required by this section; and

26 (2) criteria, including consideration of the
27 establishment's inspection and complaint history, regarding when

1 the department [~~commission~~] should inspect an establishment based
2 on the risk of a violation at an establishment.

3 (e) A premises on which funeral directing, interment,
4 cremation, or embalming is practiced shall be open at all times to
5 inspection for any violation of this chapter or of Chapter 193, 361,
6 or 716, Health and Safety Code, by:

- 7 (1) an agent of the department [~~commission~~];
8 (2) an authorized agent of the state; or
9 (3) an authorized agent of the county or municipality
10 in which the premises is located.

11 (f) Before a department [~~commission~~] agent inspects a
12 cemetery, crematory, or funeral establishment, the agent shall
13 review the inspection reports filed with the department
14 [~~commission~~] on the establishment. During the inspection, the
15 agent shall determine whether previously identified problems have
16 been corrected and whether a pattern of violations exists. The
17 commission shall consider the information from the inspection
18 reports in determining whether a penalty should be imposed against
19 an establishment.

20 SECTION 1.10. Section 651.1571(b), Occupations Code, is
21 amended to read as follows:

- 22 (b) Except as provided by Section 651.157(b):
23 (1) a cemetery may not be inspected unless:
24 (A) an interment has occurred in the cemetery
25 within the two years preceding the inspection; or
26 (B) the department [~~commission~~] has received a
27 complaint about the cemetery; and

1 (2) the department [~~commission~~] shall give lower
2 priority to an inspection of a cemetery than to an inspection of a
3 crematory or funeral establishment.

4 SECTION 1.11. Section 651.161(a), Occupations Code, is
5 amended to read as follows:

6 (a) The department [~~commission~~] shall file annually with
7 the governor a list of the names of all funeral directors,
8 embalmers, and licensed funeral establishments.

9 SECTION 1.12. Sections 651.162(b) and (c), Occupations
10 Code, are amended to read as follows:

11 (b) The commission shall file annually with the governor a
12 written description of the activities of the commission and
13 department under this chapter during the preceding fiscal year.

14 (c) The department [~~commission~~] shall file annually with
15 the governor a report on the department's [~~commission's~~] compliance
16 with Sections 651.104 and [7] 651.105 [7, ~~and 651.204(b)~~].

17 SECTION 1.13. Section 651.164, Occupations Code, is amended
18 to read as follows:

19 Sec. 651.164. LICENSE EXPIRATION. [~~The commission by rule~~
20 ~~may adopt a system under which licenses expire on various dates~~
21 ~~during the year.~~] For the year in which the license expiration date
22 is changed, the department [~~commission~~] shall prorate license fees
23 on a monthly basis so that each license holder pays only that
24 portion of the license fee that is allocable to the number of months
25 during which the license is valid. On renewal of the license on the
26 new expiration date, the total license renewal fee is payable.

27 SECTION 1.14. Section 651.1655, Occupations Code, is

1 amended to read as follows:

2 Sec. 651.1655. REINSTATEMENT OF SUSPENDED LICENSE. A
3 person whose license has been suspended may renew the license by
4 paying to the department [~~commission~~] a renewal fee that is equal to
5 two times the normally required renewal fee in addition to any
6 penalty assessed by the commission.

7 SECTION 1.15. Section 651.201, Occupations Code, is amended
8 to read as follows:

9 Sec. 651.201. PUBLIC INTEREST INFORMATION. (a) The
10 department [~~commission~~] shall prepare a brochure with information
11 of public interest:

12 (1) explaining matters relating to funerals; and

13 (2) describing:

14 (A) the functions of the department related to
15 this chapter [~~commission~~]; and

16 (B) the department's [~~commission's~~] procedures
17 for filing and resolving a public complaint.

18 (b) The department [~~commission~~] shall:

19 (1) provide each licensed funeral establishment with
20 the number of brochures the department [~~commission~~] considers
21 appropriate; and

22 (2) make the brochure available to the public and
23 appropriate state agencies.

24 SECTION 1.16. Section 651.252, Occupations Code, is amended
25 to read as follows:

26 Sec. 651.252. LICENSE APPLICATION. (a) An applicant for a
27 funeral director's license or an embalmer's license must submit a

1 written license application to the department [~~commission~~] and pay
2 the application fee.

3 (b) The commission may require an applicant to appear before
4 at least one member of the department [~~commission~~] for approval of
5 the person's application. The approval is subject to review by the
6 department [~~entire commission~~].

7 (c) The department [~~commission~~] shall keep a permanent,
8 alphabetical record of each license application and the action
9 taken on the application. The record must indicate the current
10 status of each application and license issued.

11 SECTION 1.17. Section 651.253(b), Occupations Code, is
12 amended to read as follows:

13 (b) An applicant for a funeral director's license or an
14 embalmer's license may not be considered for that license until the
15 applicant:

16 (1) completes all of the requirements of the
17 provisional license program; and

18 (2) attains a grade of at least 75 percent on the
19 written examination given by the department [~~commission~~].

20 SECTION 1.18. Section 651.255, Occupations Code, is amended
21 to read as follows:

22 Sec. 651.255. EXAMINATIONS REQUIRED FOR FUNERAL DIRECTOR'S
23 LICENSE. The department [~~commission~~] shall administer or arrange
24 for the administration of:

25 (1) a written professionally prepared examination on:

26 (A) the art and technique of funeral directing;

27 (B) the signs of death;

(C) the manner by which death may be determined;
(D) sanitation and hygiene;
(E) mortuary management and mortuary law;
(F) business and professional ethics; and
(G) other subjects that may be taught in a recognized school or college of mortuary science; and

(2) a written examination developed by the department ~~[commission]~~ or developed for the department ~~[commission]~~ by contract on:

(A) laws applicable to vital statistics pertaining to dead human bodies; and

(B) local and state rules and laws relating to the preparation, transportation, care, and disposition of dead human bodies.

SECTION 1.19. Section 651.256, Occupations Code, is amended to read as follows:

Sec. 651.256. EXAMINATIONS REQUIRED FOR EMBALMER'S LICENSE. The department ~~[commission]~~ shall administer or arrange for the administration of:

(1) a written professionally prepared examination on:
(A) the anatomy of the human body, including:
(i) the cavities of the human body; and
(ii) the arterial and venous system of the human body;
(B) blood and discoloration;
(C) bacteriology and hygiene;
(D) pathology;

- 1 (E) chemistry and embalming;
2 (F) arterial and cavity embalming;
3 (G) restorative art;
4 (H) disinfecting;
5 (I) embalming special cases;
6 (J) contagious and infectious diseases;
7 (K) mortuary management;
8 (L) care, preservation, transportation, and
9 disposition of dead human bodies;
10 (M) sanitary science; and
11 (N) other subjects that may be taught in a
12 recognized school or college of mortuary science; and

13 (2) a written examination developed by the department
14 [~~commission~~] or developed for the department [~~commission~~] by
15 contract on:

16 (A) laws applicable to vital statistics
17 pertaining to dead human bodies; and

18 (B) local and state rules and laws relating to
19 the care and disposition of dead human bodies.

20 SECTION 1.20. Section 651.257, Occupations Code, is amended
21 to read as follows:

22 Sec. 651.257. FOREIGN STUDENTS; CERTIFICATE OF MERIT. (a)
23 A citizen of a country other than the United States who has
24 completed a full course of mortuary science at a
25 department-approved [~~commission-approved~~] college in this state
26 may take the department [~~commission~~] examination in embalming,
27 funeral directing, or both after:

(1) applying to the department ~~[commission]~~; and

(2) paying the examination fee required of other applicants.

(b) The department ~~[commission]~~ may award the applicant a certificate of merit if the applicant successfully makes the minimum grades required of other applicants. The certificate of merit does not authorize the holder of the certificate to practice embalming or funeral directing in this state unless the holder is otherwise licensed as an embalmer or funeral director under this chapter.

SECTION 1.21. Section 651.258, Occupations Code, is amended to read as follows:

Sec. 651.258. LICENSE ISSUANCE. A ~~[On issuance of a]~~ funeral director's license or an embalmer's license issued under this chapter~~[, a majority of the commission members shall sign the license. The license]~~ authorizes the license holder to practice embalming, funeral directing, or both.

SECTION 1.22. Section 651.259(e), Occupations Code, is amended to read as follows:

(e) The department ~~[commission]~~ shall conduct a criminal background check on each applicant. An applicant is not eligible for a license under this section if the applicant has, in the 10 years preceding the date of the application, been finally convicted of a misdemeanor involving moral turpitude or a felony.

SECTION 1.23. Sections 651.2595(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

(a) The department ~~[commission]~~ may issue a provisional

1 license to an applicant currently licensed in another jurisdiction
2 who seeks a license in this state and who:

3 (1) has been licensed in good standing as a funeral
4 director or embalmer for at least two years in another
5 jurisdiction, including a foreign country, that has licensing
6 requirements substantially equivalent to the requirements of this
7 chapter;

8 (2) has passed a national or other examination
9 recognized by the commission relating to the practice of funeral
10 director or embalmer; and

11 (3) is sponsored by a person licensed by the
12 department [~~commission~~] under this chapter with whom the
13 provisional license holder will practice during the time the person
14 holds a provisional license.

15 (b) The department [~~commission~~] may waive the requirement
16 of Subsection (a)(3) for an applicant if the department
17 [~~commission~~] determines that compliance with that subsection would
18 be a hardship to the applicant.

19 (c) A provisional license is valid until the date the
20 department [~~commission~~] approves or denies the provisional license
21 holder's application for a license. The department [~~commission~~]
22 shall issue a license under this chapter to the provisional license
23 holder if:

24 (1) the provisional license holder is eligible to be
25 licensed under Section 651.259; or

26 (2) the provisional license holder:

27 (A) passes the part of the examination under

1 Subsection (a) that relates to the applicant's knowledge and
2 understanding of the laws and rules relating to the practice of
3 funeral directing or embalming in this state;

4 (B) meets the academic and experience
5 requirements for a license under this chapter; and

6 (C) satisfies any other licensing requirements
7 under this chapter.

8 (d) The department [~~commission~~] shall approve or deny a
9 provisional license holder's application for a license not later
10 than the second anniversary of the date on which the provisional
11 license is issued. The department [~~commission~~] may extend the
12 two-year period if the results of an examination have not been
13 received by the department [~~commission~~] before the end of that
14 period.

15 SECTION 1.24. Section 651.260, Occupations Code, is amended
16 to read as follows:

17 Sec. 651.260. DUPLICATE LICENSE. (a) If a license issued
18 under this chapter is lost or destroyed, the license holder may
19 apply to the department [~~commission~~] for a duplicate license.

20 (b) The license holder must submit the application on a form
21 prescribed by the department [~~commission~~] and must submit with the
22 application an affidavit verifying:

23 (1) the loss or destruction of the license;

24 (2) that the license holder is the person to whom the
25 license was issued; and

26 (3) any other information concerning the loss or
27 destruction of the license the department [~~commission~~] requires.

1 (c) The department [~~commission~~] shall issue a duplicate
2 license after receipt of the information and payment of the fee set
3 by the commission for the duplicate license.

4 SECTION 1.25. Sections 651.265(b) and (c), Occupations
5 Code, are amended to read as follows:

6 (b) On application, the department [~~commission~~] may renew
7 the license of a retired license holder who does not provide funeral
8 or embalming services in the category of retired, inactive status.
9 The department [~~commission~~] may not charge a fee for the renewal of
10 a license for retired, inactive status.

11 (c) On application, the department [~~commission~~] may renew
12 in the category of retired, active status, the license of a retired
13 license holder who participates in any manner, nominal or
14 otherwise, in the provision of funeral or embalming services. The
15 department [~~commission~~] shall charge a fee equal to one-half of the
16 amount of the license renewal fee charged other active license
17 holders.

18 SECTION 1.26. Sections 651.267(a), (b), and (d),
19 Occupations Code, are amended to read as follows:

20 (a) On application, the department [~~commission~~] may reissue
21 a license issued under this subchapter to a person whose license has
22 been revoked. An application to reissue a license may not be made
23 before the third anniversary of the date of the revocation.

24 (b) The application shall be made in the manner and form
25 required by the department [~~commission~~].

26 (d) A license that has been revoked may be reinstated only
27 after the applicant:

(1) retakes and passes the applicable examination;

(2) pays a fee that is equal to two times the normally required renewal fee; and

(3) satisfies any other ~~[commission]~~ requirements of this chapter, including any continuing education requirements under Section 651.266.

SECTION 1.27. Section 651.302, Occupations Code, is amended to read as follows:

Sec. 651.302. APPLICATION; ISSUANCE OF PROVISIONAL LICENSE. (a) The department ~~[commission]~~ shall issue a provisional license to practice funeral directing to an applicant who:

(1) is at least 18 years of age;

(2) has completed the educational requirements of Section 651.253 or is enrolled in an accredited school or college of mortuary science;

(3) is employed by a funeral director to learn funeral directing or embalming under the instruction and supervision of the funeral director;

(4) files an application for a provisional license on a form provided by the department ~~[commission]~~ and verified under oath by the applicant; and

(5) pays any required application or license fee.

(b) The department ~~[commission]~~ shall issue a provisional license to practice embalming to an applicant who:

(1) is at least 18 years of age;

(2) has completed the educational requirements of

1 Section 651.253 or is enrolled in an accredited school or college of
2 mortuary science;

3 (3) files an application for a provisional license;

4 (4) pays any required application or license fee; and

5 (5) complies with the requirements of this chapter and
6 of the commission.

7 SECTION 1.28. Section 651.303(a), Occupations Code, is
8 amended to read as follows:

9 (a) The department [~~commission~~] shall prescribe and
10 supervise the course of instruction received by a provisional
11 license holder while participating in a provisional license
12 program.

13 SECTION 1.29. Section 651.304, Occupations Code, is amended
14 to read as follows:

15 Sec. 651.304. EMPLOYMENT REPORTS. (a) On entering
16 employment with a funeral director or embalmer, a provisional
17 license holder shall immediately notify the department
18 [~~commission~~] of the name and place of business of the funeral
19 director or embalmer under whom the provisional license holder will
20 train. The funeral director or embalmer shall sign the
21 notification.

22 (b) [~~(d)~~] If a provisional license holder leaves the
23 employment of a funeral director or embalmer, the funeral director
24 or embalmer shall prepare an affidavit showing the length of time
25 the provisional license holder was employed and the number of cases
26 handled while employed by the funeral director or embalmer. The
27 original affidavit shall be filed with the department [~~commission~~]

1 and made a matter of record. A copy of the affidavit shall be
2 furnished to the provisional license holder.

3 (c) [~~(e)~~] The commission by rule shall prescribe reporting
4 requirements for provisional license holders. The department
5 [~~commission~~] shall furnish report forms to be used by a provisional
6 license holder.

7 SECTION 1.30. Sections 651.305(c), (d), and (e),
8 Occupations Code, are amended to read as follows:

9 (c) If a provisional license holder fails to timely pay the
10 renewal fee, the department [~~commission~~] shall:

11 (1) impose a late payment penalty equal to the amount
12 of the license renewal fee;

13 (2) suspend the license for nonpayment; and

14 (3) notify the provisional license holder of the
15 suspension.

16 (d) If the renewal fee and penalty are not paid before the
17 91st day after the date of the notice of suspension, the department
18 [~~commission~~] shall cancel the license. If the license is canceled
19 under this subsection, the provisional license holder may apply for
20 reinstatement not later than 18 months after the date of
21 cancellation. The department [~~commission~~] may reinstate the
22 canceled license if:

23 (1) all other department [~~commission~~] requirements
24 are satisfied; and

25 (2) the license fee and a late payment penalty equal to
26 the amount of the license fee for the period of the cancellation are
27 paid.

1 (e) A provisional license may be renewed after the second
2 anniversary of the date of its issuance only if the person requests
3 and receives from the department [~~commission~~] an extension based on
4 hardship.

5 SECTION 1.31. Sections 651.351(a), (c), (g), and (h),
6 Occupations Code, are amended to read as follows:

7 (a) A funeral establishment may not conduct a funeral
8 business unless it is licensed by the department [~~commission~~].

9 (c) To obtain an initial funeral establishment license, an
10 applicant must apply for a license and pay the licensing fee. The
11 department [~~commission~~] shall issue an initial funeral
12 establishment license on determining that the applicant satisfies
13 the requirements of this section.

14 (g) The department [~~commission~~] may exempt a funeral
15 establishment from the requirements of Subsection (d)(5) if:

16 (1) the majority owner or designated agent of record
17 of a funeral establishment submits a written petition to the
18 department [~~commission~~] requesting an exemption and stating:

- 19 (A) the establishment's name and address;
20 (B) that the establishment is located within 50
21 miles of a facility owned by the establishment requesting the
22 exemption and at which embalming services may be performed; and
23 (C) that no embalming services will be performed
24 at the establishment; and

25 (2) the department [~~commission~~] determines that the
26 criteria in Subdivision (1) have been met.

27 (h) The department [~~executive director~~] shall notify the

1 petitioner of the department's [~~commission's~~] decision. The
2 exemption remains in effect until:

3 (1) the establishment is no longer located within 50
4 miles of a facility owned by the exempt establishment or at which
5 embalming services may be performed; or

6 (2) an embalming service has been performed at the
7 establishment.

8 SECTION 1.32. Sections 651.353(a) and (c), Occupations
9 Code, are amended to read as follows:

10 (a) A cemetery may not conduct a cemetery business unless
11 the facility is licensed by the department [~~commission~~].

12 (c) To obtain an initial cemetery license, an applicant must
13 apply for a license and pay the licensing fee. The department
14 [~~commission~~] shall issue an initial cemetery license on determining
15 that the applicant satisfies the requirements of this chapter.

16 SECTION 1.33. Section 651.354(a), Occupations Code, is
17 amended to read as follows:

18 (a) The department [~~commission~~] shall mail written notice
19 to a cemetery or funeral establishment of the impending expiration
20 of the establishment's license not later than the 30th day before
21 the expiration date of the license. The notice must state that:

22 (1) to renew the license, the cemetery or funeral
23 establishment must pay the renewal fee not later than the license
24 expiration date; and

25 (2) the license is automatically renewed on receipt of
26 the renewal fee.

27 SECTION 1.34. Section 651.355(a), Occupations Code, is

1 amended to read as follows:

2 (a) The Texas Department of Banking shall provide annually
3 to the department [~~commission~~] a list of perpetual care cemeteries,
4 including the address and other contact information for each
5 cemetery. The department [~~commission~~] shall annually register
6 each perpetual care cemetery on that list.

7 SECTION 1.35. Section 651.403(a), Occupations Code, is
8 amended to read as follows:

9 (a) A funeral establishment shall:

10 (1) designate to the department [~~commission~~] a funeral
11 director in charge; and

12 (2) promptly notify the department [~~commission~~] of any
13 change in that designation.

14 SECTION 1.36. Section 651.404, Occupations Code, is amended
15 to read as follows:

16 Sec. 651.404. CONSUMER BROCHURE. When funeral services are
17 discussed, a funeral director or agent of the funeral establishment
18 shall provide each prospective customer with a copy of the brochure
19 prepared by the department [~~commission~~] under Section 651.201. The
20 funeral establishment shall print additional copies of the brochure
21 if the department [~~commission~~] is unable to provide the number of
22 brochures needed by the funeral establishment.

23 SECTION 1.37. Section 651.406(a), Occupations Code, is
24 amended to read as follows:

25 (a) A purchase agreement must state:

26 (1) the name, address, and telephone number of the
27 funeral establishment;

1 (2) the amount paid or owed to another person by the
2 funeral establishment on behalf of the customer and each fee
3 charged the customer for the cost of advancing funds or becoming
4 indebted to another person on behalf of the customer;

5 (3) the printed notice required by Subsection (b);

6 (4) the name, mailing address, and telephone number of
7 the department [~~commission~~]; and

8 (5) a statement that complaints may be directed to the
9 department [~~commission~~].

10 SECTION 1.38. Section 651.4065(a), Occupations Code, is
11 amended to read as follows:

12 (a) A purchase agreement must state:

13 (1) the name, address, and telephone number of the
14 cemetery or crematory;

15 (2) the amount paid or owed to another person by the
16 cemetery or crematory on behalf of the customer and each fee charged
17 the customer for the cost of advancing funds or becoming indebted to
18 another person on behalf of the customer;

19 (3) the printed notice required by Subsection (b);

20 (4) the name, mailing address, and telephone number of
21 the department [~~commission~~];

22 (5) a statement that complaints may be directed to the
23 department [~~commission~~]; and

24 (6) any other items that the commission may by rule
25 require.

26 SECTION 1.39. Sections 651.407(c) and (d), Occupations
27 Code, are amended to read as follows:

1 (c) The funeral establishment shall retain a copy of the
2 written consent for at least two years and shall make the records of
3 the funeral establishment reasonably available for inspection by:

4 (1) the department [~~commission~~];

5 (2) the person who provided the consent; and

6 (3) the next of kin of the deceased person.

7 (d) The school or college of mortuary science shall retain a
8 copy of the written consent permanently and shall make the records
9 of the school or college of mortuary science reasonably available
10 for inspection by the department [~~commission~~].

11 SECTION 1.40. Section 651.451, Occupations Code, is amended
12 to read as follows:

13 Sec. 651.451. CERTAIN FRAUDULENT AND DECEPTIVE ACTS. A
14 person violates this chapter if the person:

15 (1) presents to the department [~~commission~~] a license,
16 certificate, registration, or diploma that was illegally or
17 fraudulently obtained;

18 (2) uses fraud or deception in passing the
19 examination, including impersonating or acting as a proxy for
20 another person in the examination;

21 (3) purchases, sells, barter, or uses, or offers to
22 purchase, sell, barter, or use, a license, registration,
23 certificate, or transcript of a license, registration, or
24 certificate in or incident to an application to the department
25 [~~commission~~] for a license or registration issued under this
26 chapter;

27 (4) alters, with fraudulent intent, a license,

1 registration, or certificate issued under this chapter or a
2 transcript of a license, registration, or certificate;

3 (5) uses a license, registration, certificate, or
4 diploma issued under this chapter or a transcript of a license,
5 registration, certificate, or diploma that has been fraudulently
6 purchased, issued, counterfeited, or materially altered;

7 (6) impersonates a funeral director, embalmer, or
8 other person regulated under this chapter;

9 (7) permits another to use the person's license or
10 registration to perform an activity regulated under this chapter;
11 or

12 (8) presents false certification of work done as a
13 provisional license holder.

14 SECTION 1.41. Section 651.460(a), Occupations Code, is
15 amended to read as follows:

16 (a) A person violates this chapter if the person:

17 (1) arranges for funeral services or merchandise and
18 fails to provide a customer with a purchase agreement as required by
19 Section 651.406;

20 (2) fails to retain and make available to the
21 department [~~commission~~], on request, copies of all price lists,
22 written notices, embalming documents, and memoranda of agreement
23 required by this chapter for two years after the date of
24 distribution or signing;

25 (3) violates this chapter, a rule adopted under this
26 chapter, an order by the commission revoking, suspending, or
27 probating a license, an order assessing an administrative penalty,

1 or an agreement to pay an administrative penalty;

2 (4) allows the use of a dead human body by an embalming
3 establishment for research or educational purposes without
4 complying with Section 651.407; or

5 (5) is associated with a funeral establishment,
6 whether as an employee, agent, subcontractor, assignee, owner, or
7 otherwise, and fails to comply with this chapter or a rule adopted
8 under this chapter.

9 SECTION 1.42. Section 651.5025(a), Occupations Code, is
10 amended to read as follows:

11 (a) The commission may revoke the license of a license
12 holder without a hearing if the department [~~commission~~] determines
13 from the information presented to it that the license holder has
14 been convicted of a felony related to the practice of embalming,
15 funeral directing, or another activity regulated by the department
16 [~~commission~~] under this chapter. The department [~~commission~~] shall
17 notify the license holder if it decides to revoke the license.

18 SECTION 1.43. Sections 651.503(a) and (b), Occupations
19 Code, are amended to read as follows:

20 (a) The commission shall issue a written warning to a
21 license holder if [~~the commission~~]:

22 (1) the department conducts an investigation that
23 identifies a violation of this chapter by the license holder; and

24 (2) the commission does not issue a reprimand, assess
25 an administrative penalty, or impose any other penalty against the
26 license holder.

27 (b) The warning must:

(1) describe the identified violation; and

(2) state the date by which the license holder must file with the department [~~commission~~] a written report that describes:

(A) the measures implemented by the license holder to correct the violation; and

(B) the dates those measures were implemented.

SECTION 1.44. Section 651.504, Occupations Code, is amended to read as follows:

Sec. 651.504. REPRIMAND. The commission may, after a hearing as provided by Chapter 51 [~~Section 651.506~~] or without a hearing if the person waives a hearing, reprimand a person regulated under this chapter if the commission determines that the person violated this chapter or a rule adopted under this chapter.

SECTION 1.45. Section 651.505(b), Occupations Code, is amended to read as follows:

(b) The department [~~commission~~] shall notify in writing a license holder placed on probation of the probation. The department [~~commission~~] shall furnish the license holder with written probationary orders that detail the actions required by the department [~~commission~~] of the license holder during the probation period.

SECTION 1.46. Section 651.5061, Occupations Code, is amended to read as follows:

Sec. 651.5061. WAIVER OF HEARING BY FUNERAL OR CREMATORY ESTABLISHMENT. A funeral or crematory establishment alleged to have violated this chapter or a rule adopted under this chapter may

1 waive the right to a hearing as provided by Chapter 51 [~~Section~~
2 ~~651.506~~] by written notification to the department [~~commission~~].

3 SECTION 1.47. Sections 651.656(a) and (c), Occupations
4 Code, are amended to read as follows:

5 (a) A person may not conduct a crematory business in this
6 state unless the person who is the owner or operator of the
7 crematory holds a crematory establishment license issued by the
8 department [~~commission~~].

9 (c) Subsection (b) does not apply to the owner or operator
10 of a crematory registered under this chapter [~~with the commission~~]
11 on September 1, 2003.

12 SECTION 1.48. Sections 651.657(a) and (c), Occupations
13 Code, are amended to read as follows:

14 (a) An applicant for a crematory establishment license
15 must:

16 (1) submit a written license application to the
17 department [~~commission~~];

18 (2) pay the application fee; and

19 (3) provide proof satisfactory to the department
20 [~~commission~~] that the owner or operator of the crematory is trained
21 and certified by a reputable organization approved by the
22 commission, such as the Cremation Association of North America.

23 (c) An application for a license or renewal of a license
24 must be on a form furnished by the department [~~commission~~].

25 SECTION 1.49. Sections 651.658(a), (e), and (f),
26 Occupations Code, are amended to read as follows:

27 (a) To renew a crematory establishment license, the

1 crematory establishment must annually:

2 (1) file a report with the department [~~commission~~]
3 that lists the number of cremations performed at the crematory
4 during the previous year;

5 (2) pay the license renewal fee; and

6 (3) provide the information required by Section
7 651.657 or a written statement that the information has not changed
8 since previously provided.

9 (e) The department [~~commission~~] shall grant an extension
10 for filing the annual report required by this section on the written
11 request of a crematory establishment for good cause. An extension
12 may not exceed 60 days. The department [~~commission~~] may grant
13 additional extensions for good cause.

14 (f) The department [~~commission~~] shall impose a \$100 late fee
15 for each day a crematory establishment fails to submit the annual
16 report required by this section if an extension has not been
17 granted.

18 SECTION 1.50. (a) The following sections of the
19 Occupations Code are repealed:

- 20 (1) Section 101.0515;
21 (2) Section 651.002;
22 (3) Section 651.156;
23 (4) Section 651.163;
24 (5) Sections 651.165(a), (b), (c), (e), and (f);
25 (6) Section 651.166;
26 (7) Section 651.167;
27 (8) Section 651.202;

- 1 (9) Section 651.203;
- 2 (10) Section 651.204;
- 3 (11) Section 651.254;
- 4 (12) Section 651.259(g);
- 5 (13) Section 651.264;
- 6 (14) Section 651.267(c);
- 7 (15) Section 651.501;
- 8 (16) Section 651.502;
- 9 (17) Section 651.5026;
- 10 (18) Section 651.505(a);
- 11 (19) Section 651.506;
- 12 (20) Section 651.551;
- 13 (21) Section 651.5515;
- 14 (22) Section 651.553;
- 15 (23) Section 651.554;
- 16 (24) Section 651.555;
- 17 (25) Section 651.556;
- 18 (26) Section 651.557;
- 19 (27) Section 651.558;
- 20 (28) Section 651.601; and
- 21 (29) Section 651.658(b).

22 (b) Subchapters B and C, Chapter 651, Occupations Code, are
23 repealed.

24 (c) Section 716.001(3), Health and Safety Code, is
25 repealed.

26 SECTION 1.51. (a) Effective May 1, 2012:

- 27 (1) the Texas Funeral Service Commission is abolished;

1 (2) all functions and activities performed
2 immediately before that date by the Texas Funeral Service
3 Commission are transferred to the Texas Department of Licensing and
4 Regulation;

5 (3) a rule, form, policy, procedure, or decision of
6 the Texas Funeral Service Commission continues in effect as a rule,
7 form, policy, procedure, or decision of the Texas Commission of
8 Licensing and Regulation and remains in effect until amended or
9 replaced by the commission;

10 (4) a reference in law or administrative rule to the
11 Texas Funeral Service Commission means the Texas Department of
12 Licensing and Regulation;

13 (5) all money, contracts, leases, rights, property,
14 records, and bonds and other obligations of the Texas Funeral
15 Service Commission are transferred to the Texas Department of
16 Licensing and Regulation;

17 (6) a court case, administrative proceeding, contract
18 negotiation, or other proceeding involving the Texas Funeral
19 Service Commission is transferred without change in status to the
20 Texas Department of Licensing and Regulation, and the Texas
21 Department of Licensing and Regulation assumes, without a change in
22 status, the position of the Texas Funeral Service Commission in a
23 negotiation or proceeding relating to an activity transferred by
24 this Act to the Texas Department of Licensing and Regulation to
25 which the Texas Funeral Service Commission is a party; and

26 (7) any unexpended and unobligated balance of money
27 appropriated by the legislature for the Texas Funeral Service

Commission is transferred to the Texas Department of Licensing and Regulation.

(b) In the period beginning on January 1, 2012, and ending on April 30, 2012:

(1) the Texas Funeral Service Commission shall continue to perform functions and activities under Chapter 651, Occupations Code, and other law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose; and

(2) a person who is authorized or required by law to take an action relating to the Texas Funeral Service Commission or a member of the commission shall continue to take that action under the law as if the law had not been amended or repealed, as applicable, and the former law is continued in effect for that purpose.

SECTION 1.52. Before May 1, 2012, the Texas Funeral Service Commission may agree with the Texas Department of Licensing and Regulation to transfer any property of the Texas Funeral Service Commission to the Texas Department of Licensing and Regulation to implement the transfer required by Section 1.51 of this article.

ARTICLE 2. ABOLISHING TEXAS STATE BOARD OF PLUMBING EXAMINERS

SECTION 2.01. Section 1301.002, Occupations Code, is amended by amending Subdivisions (1), (1-a), (2), (3), (4), (6), (8), (9), and (11) and adding Subdivision (1-b) to read as follows:

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

(1-a) "Department" [(1) "Board"] means the Texas

1 Department of Licensing and Regulation [~~State Board of Plumbing~~
2 ~~Examiners~~].

3 (1-b) [~~(1-a)~~] "Executive director" means the
4 executive director of the Texas Department of Licensing and
5 Regulation [~~State Board of Plumbing Examiners~~].

6 (2) "Drain cleaner" means a person who:

7 (A) has completed at least 4,000 hours working
8 under the supervision of a master plumber as a drain
9 cleaner-restricted registrant;

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

12 (C) installs cleanouts and removes and resets
13 p-traps to eliminate obstructions in building drains and sewers
14 under the supervision of a responsible master plumber.

15 (3) "Drain cleaner-restricted registrant" means a
16 person who:

17 (A) has worked as a plumber's apprentice under
18 the supervision of a master plumber;

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

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

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

26 (A) has met the qualifications for registration
27 as a plumber's apprentice or for licensing as a tradesman

1 plumber-limited license holder;

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

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

7 (D) has passed the required examination; and

8 (E) has fulfilled the other requirements of the
9 department [~~board~~].

10 (6) "Plumber's apprentice" means a person other than a
11 master plumber, journeyman plumber, or tradesman plumber-limited
12 license holder who, as the person's principal occupation, learns
13 about and assists in the installation of plumbing, has fulfilled
14 the requirements of and is registered by the department [~~board~~],
15 and works under the supervision of a responsible master plumber and
16 the direct supervision of a licensed plumber.

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

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

23 (B) has passed the required examination; and

24 (C) has fulfilled the other requirements of the
25 department [~~board~~].

26 (9) "Residential utilities installer" means a person
27 who:

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

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

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

9 (11) "Water supply protection specialist" means a
10 person who holds an endorsement issued by the department [~~board~~] to
11 engage in the inspection, in connection with health and safety
12 laws, including ordinances, of:

13 (A) the plumbing of a public water system
14 distribution facility; or

15 (B) customer-owned plumbing connected to the
16 water distribution lines of a public water system.

17 SECTION 2.02. Section 1301.002(5), Occupations Code, as
18 amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of
19 the 81st Legislature, Regular Session, 2009, is reenacted and
20 amended to read as follows:

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

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

26 (B) has worked as a journeyman plumber:

27 (i) for at least four years; or

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

(C) performs or supervises plumbing work;

(D) has passed the required examination; and

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

SECTION 2.03. Section 1301.002(10), Occupations Code, as amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

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

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

(B) has passed the required examination; ~~and~~

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

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

SECTION 2.04. Section 1301.056, Occupations Code, is amended to read as follows:

Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed

1 by the department [~~board~~] is not required to be licensed by another
2 [~~board or~~] agency to install or work on a lawn irrigation system.

3 SECTION 2.05. Section 1301.057, Occupations Code, is
4 amended to read as follows:

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

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

11 (2) is performed by an organization that:

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

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

18 (i) the exact location of the project;
19 (ii) the intended duration of the project;

20 and

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

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

27 (c) The department [~~board~~] may provide training to an

1 organization that provides self-help project assistance under this
2 section.

3 SECTION 2.06. The heading to Subchapter D, Chapter 1301,
4 Occupations Code, is amended to read as follows:

5 SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR~~
6 ~~AND OTHER BOARD~~] PERSONNEL

7 SECTION 2.07. Section 1301.202, Occupations Code, is
8 amended to read as follows:

9 Sec. 1301.202. PLUMBING EXAMINER. (a) The department
10 [~~board~~] shall employ one or more plumbing examiners. A plumbing
11 examiner serves at the will of the department [~~board~~].

12 (b) A plumbing examiner shall:

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

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

19 SECTION 2.08. Section 1301.203(a), Occupations Code, is
20 amended to read as follows:

21 (a) The department [~~board~~] may employ a field
22 representative to assist the department [~~board~~] in enforcing this
23 chapter and rules adopted under this chapter. A field
24 representative must:

25 (1) hold a license as a plumber under this chapter;

26 (2) be knowledgeable of this chapter and municipal
27 ordinances relating to plumbing; and

(3) be qualified by experience and training in plumbing practice.

SECTION 2.09. The heading to Subchapter E, Chapter 1301, Occupations Code, is amended to read as follows:

SUBCHAPTER E. ADMINISTRATION OF CHAPTER [~~BOARD POWERS~~
~~AND DUTIES~~]

SECTION 2.10. Section 1301.251, Occupations Code, is amended to read as follows:

Sec. 1301.251. GENERAL DUTIES OF DEPARTMENT AND COMMISSION [~~BOARD~~]. (a) The department [~~board~~] shall[+]

[~~(1)~~] administer and enforce this chapter. [+]

(b) The commission shall [~~(2)~~] adopt [~~and enforce~~] rules necessary to administer this chapter. [~~+~~and]

(c) The department shall [~~(3)~~] keep a record of each proceeding conducted before and action taken by the department or commission relating to this chapter [~~board~~].

SECTION 2.11. Sections 1301.255(a), (b), (c), and (d), Occupations Code, are amended to read as follows:

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

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

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

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

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

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

10 SECTION 2.12. Section 1301.258, Occupations Code, as added
11 by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular
12 Session, 2003, is amended to read as follows:

13 Sec. 1301.258. ADVISORY COMMITTEES. The department [~~board~~]
14 may appoint advisory committees as it considers necessary. An
15 advisory committee member shall serve without compensation or
16 reimbursement. The committee [~~and~~] is subject to Section 2110.008,
17 Government Code.

18 SECTION 2.13. Section 1301.262, Occupations Code, is
19 amended to read as follows:

20 Sec. 1301.262. PLUMBING INSPECTOR CODE OF CONDUCT. The
21 commission [~~board~~] by rule shall establish a code of conduct for
22 licensed plumbing inspectors. The code of conduct shall require a
23 plumbing inspector to enforce this chapter and commission [~~board~~]
24 rules in a consistent manner across job sites.

25 SECTION 2.14. The heading to Subchapter F, Chapter 1301,
26 Occupations Code, is amended to read as follows:

27 SUBCHAPTER F. CONSUMER INTEREST INFORMATION

[AND COMPLAINT PROCEDURES]

SECTION 2.15. Section 1301.302, Occupations Code, is amended to read as follows:

Sec. 1301.302. CONTRACT INFORMATION. A written proposal, invoice, or contract relating to plumbing services performed by or under the direction of a plumber licensed under this chapter must contain the name and license number of the responsible master plumber and the name, mailing address, and telephone number of the department ~~[board]~~.

SECTION 2.16. Section 1301.352, Occupations Code, is amended to read as follows:

Sec. 1301.352. EXAMINATION REQUIRED. The department ~~[board]~~ shall 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 2.17. Section 1301.3522, Occupations Code, is amended to read as follows:

Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The department ~~[board]~~ shall develop a review course in English and Spanish to assist license applicants in preparation for each license examination relating to this chapter offered by the department ~~[board]~~. If the department ~~[board]~~ provides the review

1 course, the department [~~board~~] may charge a fee to an applicant who
2 applies to take the review course.

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

6 SECTION 2.18. Section 1301.353, Occupations Code, is
7 amended to read as follows:

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

12 SECTION 2.19. Sections 1301.354(b), (b-1), (c), and (d),
13 Occupations Code, are amended to read as follows:

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

23 (1) 24 hours if the applicant is applying to take a
24 tradesman plumber-limited license holder examination; or

25 (2) 48 hours if the applicant is applying to take a
26 journeyman plumber examination.

27 (b-1) At the applicant's request, the department [~~board~~]

1 may credit an applicant under Subsection (b) with a number of hours
2 determined by commission [~~board~~] rule against the number of hours
3 of work experience required to take an examination if the applicant
4 has received an associate of applied science degree from a plumbing
5 technology program that:

6 (1) includes a combination of classroom and on-the-job
7 training; and

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

10 (c) At the applicant's request, the department [~~board~~] may
11 credit an applicant under Subsection (b) with up to 500 hours of the
12 work experience required before taking an examination if the
13 applicant has completed the classroom portion of a training
14 program:

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

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

20 (d) Notwithstanding the classroom training required by
21 Subsection (b), a plumber's apprentice may apply for and take an
22 examination for a license as a journeyman plumber or tradesman
23 plumber-limited license holder if the apprentice has received an
24 associate of applied science degree from a plumbing technology
25 program that:

26 (1) includes a combination of classroom and on-the-job
27 training; and

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

SECTION 2.20. Section 1301.3541, Occupations Code, is amended to read as follows:

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

SECTION 2.21. Sections 1301.356(c) and (e), Occupations Code, are amended to read as follows:

(c) An endorsement under this section is valid for three years and may be renewed as provided by commission [~~board~~] rule.

(e) A plumbing inspector who meets the requirements of the department [~~board~~] may hold a medical gas endorsement and inspect medical gas piping installations.

SECTION 2.22. Sections 1301.3565(b), (c), and (f), Occupations Code, are amended to read as follows:

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

- (1) holds the license described by Subsection (a);
- (2) applies to the department [~~board~~] on a form prescribed by the department [~~board~~];
- (3) pays a fee set by the commission [~~board~~];
- (4) presents evidence satisfactory to the department [~~board~~] of successful completion of a training program approved by the department [~~board~~] that provides the training necessary for the

proper 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 the department ~~[board]~~.

(c) An endorsement issued under this section is valid until the third anniversary of the date of issuance and may be renewed on compliance with any requirements prescribed by commission ~~[board]~~ rule.

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

SECTION 2.23. Sections 1301.357(b) and (c), Occupations Code, are amended to read as follows:

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

(1) is licensed under this chapter as a master plumber or journeyman plumber;

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

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

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

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

1 (c) An endorsement issued under this section is valid until
2 the third anniversary of the date of issuance and may be renewed on
3 compliance with any requirements prescribed by commission [~~board~~]
4 rule.

5 SECTION 2.24. Section 1301.3575, Occupations Code, is
6 amended to read as follows:

7 Sec. 1301.3575. REGISTRATION OF CERTAIN PERSONS. The
8 department [~~board~~] shall register a person who complies with this
9 chapter as a drain cleaner, drain cleaner-restricted registrant,
10 residential utilities installer, or plumber's apprentice.

11 SECTION 2.25. Section 1301.3576, Occupations Code, is
12 amended to read as follows:

13 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE
14 MASTER PLUMBER. When a person is issued a master plumber's license,
15 the person must provide the department [~~board~~] with a certificate
16 of insurance that meets the requirements of Section 1301.552 before
17 the person works as a responsible master plumber.

18 SECTION 2.26. Section 1301.358, Occupations Code, is
19 amended to read as follows:

20 Sec. 1301.358. OUT-OF-STATE APPLICANTS; PROVISIONAL
21 LICENSE. (a) The department [~~board~~] may waive any prerequisite to
22 obtaining a license for an applicant after reviewing the
23 applicant's credentials and determining that the applicant holds a
24 license issued by another jurisdiction that has licensing
25 requirements substantially equivalent to those of this state.

26 (b) The department [~~board~~] may issue a provisional license
27 to an applicant currently licensed in another jurisdiction who

1 seeks a license in this state and who:

2 (1) has been licensed in good standing as a plumber for
3 at least two years in another jurisdiction, including a foreign
4 country, that has licensing requirements substantially equivalent
5 to the requirements of this chapter;

6 (2) has passed a national or other examination
7 recognized by the department [~~board~~] relating to the practice of
8 plumbing; and

9 (3) is sponsored by a person licensed by the
10 department [~~board~~] under this chapter with whom the provisional
11 license holder will practice during the time the person holds a
12 provisional license.

13 (c) The department [~~board~~] may waive the requirement of
14 Subsection (b)(3) for an applicant if the department [~~board~~]
15 determines that compliance with that subdivision would be a
16 hardship to the applicant.

17 (d) A provisional license is valid until the date the
18 department [~~board~~] approves or denies the provisional license
19 holder's application for a license. The department [~~board~~] shall
20 issue a license under this chapter to the provisional license
21 holder if:

22 (1) the provisional license holder is eligible to be
23 licensed under Subsection (a); or

24 (2) the provisional license holder passes the part of
25 the examination under Section 1301.352 that relates to the
26 applicant's knowledge and understanding of the laws and rules
27 relating to the practice of plumbing in this state and:

1 (A) the department [~~board~~] verifies that the
2 provisional license holder meets the academic and experience
3 requirements for a license under this chapter; and

4 (B) the provisional license holder satisfies any
5 other licensing requirements under this chapter.

6 (e) The department [~~board~~] must approve or deny a
7 provisional license holder's application for a license not later
8 than the 180th day after the date the provisional license is issued.
9 The department [~~board~~] may extend the 180-day period if the results
10 of an examination have not been received by the department [~~board~~]
11 before the end of that period.

12 (f) The department [~~board~~] may establish a fee for
13 provisional licenses in an amount reasonable and necessary to cover
14 the cost of issuing the license.

15 SECTION 2.27. Section 1301.401, Occupations Code, is
16 amended to read as follows:

17 Sec. 1301.401. ANNUAL RENEWAL REQUIRED. [~~(a)~~] A license or
18 registration under this chapter is valid for one year. On payment
19 of the required fee, a license may be renewed annually.

20 [~~(b) The board by rule may adopt a system under which~~
21 ~~licenses, endorsements, and registrations expire on various dates~~
22 ~~during the year.~~]

23 SECTION 2.28. Section 1301.402, Occupations Code, is
24 amended to read as follows:

25 Sec. 1301.402. NOTICE OF CHANGE OF ADDRESS [~~LICENSE,~~
26 ~~ENDORSEMENT, OR REGISTRATION EXPIRATION~~]. A [~~(a) Not later than~~
27 ~~the 31st day before the expiration date of a person's license,~~

~~endorsement, or registration, the board shall send written notice of the impending expiration to the person at the person's last known address according to board records.~~

~~[(b) The]~~ person shall notify the department of any change of name or address ~~[board]~~ not later than the 30th day after the date of receipt of the written notice of the impending expiration of the person's license ~~[of any change of name or address]~~.

SECTION 2.29. Sections 1301.403(b), (c), (e), and (f), Occupations Code, are amended to read as follows:

(b) A person whose license or endorsement has been expired for 90 days or less may renew the license or endorsement by paying to the department ~~[agency]~~ a renewal fee that is equal to 1-1/2 times the normally required renewal fee. A person whose registration has been expired for 90 days or less may renew the registration by paying to the department ~~[board]~~ a renewal fee that is equal to 1-1/2 times the normally required renewal fee.

(c) A person whose license or endorsement has been expired for more than 90 days but less than two years may renew the license or endorsement by paying to the department ~~[agency]~~ a renewal fee that is equal to two times the normally required renewal fee. A person whose registration has been expired for more than 90 days but less than two years may renew the registration by paying to the department ~~[board]~~ a renewal fee that is equal to two times the normally required renewal fee.

(e) A person who held a license, endorsement, or registration in this state, moved to another state, and is currently holding a license, endorsement, or registration and has

been in practice in the other state for the two years preceding the date of application may obtain a new license, endorsement, or registration without reexamination. The person must pay to the department ~~[agency]~~ a fee that is equal to two times the normally required renewal fee for the license, endorsement, or registration.

(f) Not later than the 30th day before the date a person's license, endorsement, or registration is scheduled to expire, the department ~~[agency]~~ shall send written notice of the impending expiration to the person at the person's last known address according to the records of the department ~~[agency]~~.

SECTION 2.30. Section 1301.404, Occupations Code, is amended to read as follows:

Sec. 1301.404. MANDATORY CONTINUING PROFESSIONAL EDUCATION. (a) ~~[The board shall recognize, approve, and administer continuing education programs for persons who hold licenses or endorsements under this chapter.]~~

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

(b) ~~[(c)]~~ The commission ~~[board]~~ by rule shall adopt the criteria for the continuing professional education.

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

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

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

5 (d) [~~(e)~~] A person may complete the continuing professional
6 education requirement of this section through an online [~~a~~
7 ~~correspondence~~] course as approved by the department [~~board~~].

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

11 SECTION 2.31. Section 1301.405, Occupations Code, is
12 amended to read as follows:

13 Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN
14 CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES
15 INSTALLER. (a) To renew the certificate of registration, a person
16 who holds a certificate of registration under this chapter as a
17 drain cleaner, drain cleaner-restricted registrant, or residential
18 utilities installer must annually complete at least six hours of
19 approved training that includes training in health and safety
20 requirements, commission-approved [~~board-approved~~] plumbing
21 codes, and water conservation.

22 (b) A person may receive credit for participating in a
23 training program only if the program is provided:

24 (1) by a person approved by the department [~~board~~];
25 and

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

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

4 SECTION 2.32. Section 1301.452(a), Occupations Code, is
5 amended to read as follows:

6 (a) A person is subject to disciplinary action under Chapter
7 51 [~~Section 1301.451~~] if the person violates this chapter, an order
8 issued by the commission or department under this chapter [~~board~~],
9 or a commission [~~board~~] rule adopted under this chapter. A
10 violation of this chapter includes:

11 (1) obtaining a license, endorsement, or registration
12 through error or fraud;

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

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

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

20 (5) employing a person who does not hold a license or
21 endorsement or who is not registered to engage in an activity for
22 which a license, endorsement, or registration is required under
23 this chapter.

24 SECTION 2.33. Section 1301.501(b), Occupations Code, is
25 amended to read as follows:

26 (b) The commission [~~board~~] shall adopt rules under this
27 section that include a list describing the types of plumbing to

1 which this section applies.

2 SECTION 2.34. Section 1301.502(b), Occupations Code, is
3 amended to read as follows:

4 (b) The commission [~~board~~] shall adopt guidelines relating
5 to the circumstances when a field representative may issue a
6 citation. The guidelines must encourage the use of other
7 enforcement measures, including imposition of administrative
8 penalties, before the issuance of a citation.

9 SECTION 2.35. Section 1301.507, Occupations Code, is
10 amended to read as follows:

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

16 SECTION 2.36. Section 1301.5071, Occupations Code, is
17 amended to read as follows:

18 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
19 RESTITUTION. (a) The commission [~~board~~] by rule shall establish
20 procedures under which an informal settlement conference is
21 conducted to resolve a complaint against a person licensed under
22 this chapter.

23 (b) Subject to Subsection (c), the department [~~board~~] may
24 order a person licensed under this chapter to pay restitution to a
25 person as provided in an agreement resulting from an informal
26 settlement conference instead of or in addition to assessing an
27 administrative penalty under Chapter 51 [~~Subchapter N~~].

1 (c) The amount of restitution ordered as provided by an
2 agreement resulting from an informal settlement conference may not
3 exceed the amount the person paid to the license holder for a
4 service regulated by this chapter. The department [~~board~~] may not
5 require payment of other damages or estimate harm in a restitution
6 order.

7 SECTION 2.37. Section 1301.552, Occupations Code, is
8 amended to read as follows:

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

17 (1) be written by a company licensed to do business in
18 this state;

19 (2) provide for commercial general liability
20 insurance for the master plumber for a claim for property damage or
21 bodily injury, regardless of whether the claim arises from
22 negligence or on a contract; and

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

25 SECTION 2.38. (a) The following sections of the
26 Occupations Code are repealed:

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

1	(2)	Section 1301.003;
2	(3)	Section 1301.201;
3	(4)	Section 1301.204;
4	(5)	Section 1301.205;
5	(6)	Section 1301.207;
6	(7)	Section 1301.208;
7	(8)	Section 1301.252;
8	(9)	Section 1301.253;
9	(10)	Section 1301.254;
10	(11)	Section 1301.256;
11	(12)	Section 1301.259;
12	(13)	Section 1301.260;
13	(14)	Section 1301.261;
14	(15)	Section 1301.301;
15	(16)	Section 1301.3015;
16	(17)	Section 1301.303;
17	(18)	Section 1301.304;
18	(19)	Section 1301.3521;
19	(20)	Section 1301.355;
20	(21)	Section 1301.451;
21	(22)	Section 1301.4521;
22	(23)	Section 1301.4522;
23	(24)	Section 1301.453;
24	(25)	Section 1301.454;
25	(26)	Section 1301.504;
26	(27)	Section 1301.5045;
27	(28)	Section 1301.505; and

1 (29) Section 1301.506.

2 (b) Section 1301.258, Occupations Code, as added by Chapter
3 819 (S.B. 282), Acts of the 78th Legislature, Regular Session,
4 2003, is repealed.

5 (c) Subchapters C and N, Chapter 1301, Occupations Code, are
6 repealed.

7 SECTION 2.39. (a) Effective May 1, 2012:

8 (1) the Texas State Board of Plumbing Examiners is
9 abolished;

10 (2) all functions and activities performed
11 immediately before that date by the Texas State Board of Plumbing
12 Examiners are transferred to the Texas Department of Licensing and
13 Regulation;

14 (3) a rule, form, policy, procedure, or decision of
15 the Texas State Board of Plumbing Examiners continues in effect as a
16 rule, form, policy, procedure, or decision of the Texas Commission
17 of Licensing and Regulation and remains in effect until amended or
18 replaced by the commission;

19 (4) a reference in law or administrative rule to the
20 Texas State Board of Plumbing Examiners means the Texas Department
21 of Licensing and Regulation;

22 (5) all money, contracts, leases, rights, property,
23 records, and bonds and other obligations of the Texas State Board of
24 Plumbing Examiners are transferred to the Texas Department of
25 Licensing and Regulation;

26 (6) a court case, administrative proceeding, contract
27 negotiation, or other proceeding involving the Texas State Board of

1 Plumbing Examiners is transferred without change in status to the
2 Texas Department of Licensing and Regulation, and the Texas
3 Department of Licensing and Regulation assumes, without a change in
4 status, the position of the Texas State Board of Plumbing Examiners
5 in a negotiation or proceeding relating to an activity transferred
6 by this Act to the Texas Department of Licensing and Regulation to
7 which the Texas State Board of Plumbing Examiners is a party;

8 (7) an employee of the Texas State Board of Plumbing
9 Examiners becomes an employee of the Texas Department of Licensing
10 and Regulation; and

11 (8) any unexpended and unobligated balance of money
12 appropriated by the legislature for the Texas State Board of
13 Plumbing Examiners is transferred to the Texas Department of
14 Licensing and Regulation.

15 (b) In the period beginning on January 1, 2012, and ending
16 on April 30, 2012:

17 (1) the Texas State Board of Plumbing Examiners shall
18 continue to perform functions and activities under the Occupations
19 Code or other law as if the law had not been amended or repealed, as
20 applicable, and the former law is continued in effect for that
21 purpose; and

22 (2) a person who is authorized or required by law to
23 take an action relating to the Texas State Board of Plumbing
24 Examiners or a member of the board shall continue to take that
25 action under the law as if the law had not been amended or repealed,
26 as applicable, and the former law is continued in effect for that
27 purpose.

1 SECTION 2.40. Before May 1, 2012, the Texas State Board of
2 Plumbing Examiners may agree with the Texas Department of Licensing
3 and Regulation to transfer any property of the board to the
4 department to implement the transfer required by Section 2.39 of
5 this article.

6 ARTICLE 3. CONFORMING AMENDMENTS

7 SECTION 3.01. Section 132.002(a), Education Code, is
8 amended to read as follows:

9 (a) The following schools or educational institutions may
10 be exempted from this chapter by the commission under Subsection
11 (d):

12 (1) a school or educational institution supported by
13 taxation from either a local or state source;

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

18 (3) a school or training program that offers
19 instruction of purely avocational or recreational subjects as
20 determined by the commission;

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

24 (5) a course or courses of study or instruction
25 sponsored by a recognized trade, business, or professional
26 organization for the instruction of the members of the organization
27 with a closed membership;

1 (6) a private college or university that awards a
2 recognized baccalaureate, or higher degree, and that maintains and
3 operates educational programs for which a majority of the credits
4 given are transferable to a college, junior college, or university
5 supported entirely or partly by taxation from either a local or
6 state source;

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

12 (8) an aviation school or instructor approved by and
13 under the supervision of the Federal Aviation Administration;

14 (9) a school that offers intensive review of a
15 student's acquired education, training, or experience to prepare
16 the student for an examination, other than a high school
17 equivalency examination, that the student by law may not take
18 unless the student has completed or substantially completed a
19 particular degree program, or that the student is required to take
20 as a precondition for enrollment in or admission to a particular
21 degree program;

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

26 (11) a course or courses of instruction by bona fide
27 electrical trade associations for the purpose of preparing students

1 for electrical tests required for licensing and for the purpose of
2 providing continuing education to students for the renewal of
3 electrical licenses;

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

8 (13) a course or training program conducted by a
9 nonprofit association of air conditioning and refrigeration
10 contractors approved by the Air Conditioning and Refrigeration
11 Contractors Advisory Board to provide instruction for technical,
12 business, or license examination preparation programs relating to
13 air conditioning and refrigeration contracting, as that term is
14 defined by Chapter 1302, Occupations Code;

15 (14) a course of instruction by a plumbing trade
16 association to prepare students for a plumbing test or program
17 required for licensing, certification, or endorsement or to provide
18 continuing education approved by the Texas Commission of Licensing
19 and Regulation [~~State Board of Plumbing Examiners~~]; and

20 (15) a course of instruction in the use of
21 technological hardware or software if the course is offered to a
22 purchaser of the hardware or software or to the purchaser's
23 employee by a person who manufactures and sells, or develops and
24 sells, the hardware or software, and if the seller is not primarily
25 in the business of providing courses of instruction in the use of
26 the hardware or software, as determined by the commission.

27 SECTION 3.02. Section 154.132(b), Finance Code, is amended

1 to read as follows:

2 (b) The website:

3 (1) must include a description of the trust and
4 insurance funding options available under the law of this state to
5 be developed with input from consumers, permit holders, insurers,
6 and funeral providers;

7 (2) may include links to and be linked from the
8 department's website, the Texas Department of Insurance website,
9 and the Texas Department of Licensing and Regulation [~~Funeral~~
10 ~~Service Commission~~] website; and

11 (3) may include additional information or links to
12 additional information that the department determines may be
13 helpful to consumers of prepaid funeral benefits in this state.

14 SECTION 3.03. Section 411.122(d), Government Code, as
15 amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933
16 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009,
17 is reenacted and amended to read as follows:

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

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

22 (2) Texas Board of Architectural Examiners;

23 (3) Texas Board of Chiropractic Examiners;

24 (4) State Board of Dental Examiners;

25 (5) Texas Board of Professional Engineers;

26 (6) [~~Texas Funeral Service Commission,~~

27 [~~77~~] Texas Board of Professional Geoscientists;

1 (7) [~~(8)~~] Department of State Health Services, except
2 as provided by Section 411.110, and agencies attached to the
3 department, including:

4 (A) Texas State Board of Examiners of Dietitians;

5 (B) Texas State Board of Examiners of Marriage
6 and Family Therapists;

7 (C) Midwifery Board;

8 (D) Texas State Perfusionist Advisory Committee;

9 (E) Texas State Board of Examiners of
10 Professional Counselors;

11 (F) Texas State Board of Social Worker Examiners;

12 (G) State Board of Examiners for Speech-Language
13 Pathology and Audiology;

14 (H) Advisory Board of Athletic Trainers;

15 (I) State Committee of Examiners in the Fitting
16 and Dispensing of Hearing Instruments;

17 (J) Texas Board of Licensure for Professional
18 Medical Physicists; and

19 (K) Texas Board of Orthotics and Prosthetics;

20 (8) [~~(9)~~] Texas Board of Professional Land Surveying;

21 (9) [~~(10)~~] Texas Department of Licensing and
22 Regulation, except as provided by Section 411.093;

23 (10) [~~(11)~~] Texas Commission on Environmental
24 Quality;

25 (11) [~~(12)~~] Texas Board of Occupational Therapy
26 Examiners;

27 (12) [~~(13)~~] Texas Optometry Board;

- 1 (13) [~~(14)~~] Texas State Board of Pharmacy;
- 2 (14) [~~(15)~~] Texas Board of Physical Therapy
- 3 Examiners;
- 4 (15) [~~(16)~~] ~~Texas State Board of Plumbing Examiners;~~
- 5 [~~(17)~~] Texas State Board of Podiatric Medical
- 6 Examiners;
- 7 (16) [~~(18)~~] Texas State Board of Examiners of
- 8 Psychologists;
- 9 (17) [~~(19)~~] Texas Real Estate Commission;
- 10 (18) [~~(20)~~] Texas Department of Transportation;
- 11 (19) [~~(21)~~] State Board of Veterinary Medical
- 12 Examiners;
- 13 (20) [~~(22)~~] Texas Department of Housing and Community
- 14 Affairs;
- 15 (21) [~~(23)~~] secretary of state;
- 16 (22) [~~(24)~~] state fire marshal;
- 17 (23) [~~(25)~~] Texas Education Agency;
- 18 (24) [~~(26)~~] Department of Agriculture; and
- 19 (25) [~~(27)~~] Texas Department of Motor Vehicles.

20 SECTION 3.04. Section 572.003(c), Government Code, is

21 amended to read as follows:

22 (c) The term means a member of:

- 23 (1) the Public Utility Commission of Texas;
- 24 (2) [~~the Texas Department of Economic Development;~~
- 25 [~~(3)~~] the Texas Commission on Environmental Quality;
- 26 (3) [~~(4)~~] the Texas Alcoholic Beverage Commission;
- 27 (4) [~~(5)~~] The Finance Commission of Texas;

1 (5) [~~(6)~~] the Texas Facilities Commission;
2 (6) [~~(7)~~] the Texas Board of Criminal Justice;
3 (7) [~~(8)~~] the board of trustees of the Employees
4 Retirement System of Texas;
5 (8) [~~(9)~~] the Texas Transportation Commission;
6 (9) [~~(10)~~] ~~the Texas Workers' Compensation Commission,~~
7 [~~(11)~~] the Texas Department of Insurance;
8 (10) [~~(12)~~] the Parks and Wildlife Commission;
9 (11) [~~(13)~~] the Public Safety Commission;
10 (12) [~~(14)~~] the Texas Ethics Commission;
11 (13) [~~(15)~~] the State Securities Board;
12 (14) [~~(16)~~] the Texas Water Development Board;
13 (15) [~~(17)~~] the governing board of a public senior
14 college or university as defined by Section 61.003, Education Code,
15 or of The University of Texas Southwestern Medical Center at
16 Dallas, The University of Texas Medical Branch at Galveston, The
17 University of Texas Health Science Center at Houston, The
18 University of Texas Health Science Center at San Antonio, The
19 University of Texas System M. D. Anderson Cancer Center, The
20 University of Texas Health Science Center at Tyler, University of
21 North Texas Health Science Center at Fort Worth, Texas Tech
22 University Health Sciences Center, Texas State Technical
23 College--Harlingen, Texas State Technical College--Marshall, Texas
24 State Technical College--Sweetwater, or Texas State Technical
25 College--Waco;
26 (16) [~~(18)~~] the Texas Higher Education Coordinating
27 Board;

1 (17) [~~(19)~~] the Texas Workforce Commission;
2 (18) [~~(21)~~] the board of trustees of the Teacher
3 Retirement System of Texas;
4 (19) [~~(22)~~] the Credit Union Commission;
5 (20) [~~(23)~~] the School Land Board;
6 (21) [~~(24)~~] the board of the Texas Department of
7 Housing and Community Affairs;
8 (22) [~~(25)~~] the Texas Racing Commission;
9 (23) [~~(26)~~] the State Board of Dental Examiners;
10 (24) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~
11 ~~Medical Examiners~~];
12 (25) [~~(28)~~] the Board of Pardons and Paroles;
13 (26) [~~(29)~~] the Texas State Board of Pharmacy;
14 (27) [~~(30)~~] the Department of Information Resources
15 governing board;
16 (28) [~~(31)~~] the Motor Vehicle Board;
17 (29) [~~(32)~~] the Texas Real Estate Commission;
18 (30) [~~(33)~~] the board of directors of the State Bar of
19 Texas;
20 (31) [~~(34)~~] the bond review board;
21 (32) [~~(35)~~] the [~~Texas Board of~~] Health and Human
22 Services Commission;
23 (33) [~~(36)~~] ~~the Texas Board of Mental Health and Mental~~
24 ~~Retardation~~;
25 ~~[(37) the Texas Board on Aging,~~
26 ~~[(38) the Texas Board of Human Services,~~
27 ~~[(39) the Texas Funeral Service Commission,~~

1 ~~[(40)]~~ the board of directors of a river authority
2 created under the Texas Constitution or a statute of this state; or
3 (34) ~~[(41)]~~ the Texas Lottery Commission.

4 SECTION 3.05. Section 2054.352(a), Government Code, as
5 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
6 81st Legislature, Regular Session, 2009, is reenacted and amended
7 to read as follows:

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

- 10 (1) Texas Board of Chiropractic Examiners;
- 11 (2) Court Reporters Certification Board;
- 12 (3) State Board of Dental Examiners;
- 13 (4) ~~[(Texas Funeral Service Commission,~~
- 14 ~~[(5)]~~ Texas Board of Professional Land Surveying;
- 15 (5) ~~[(6)]~~ Texas Medical Board;
- 16 (6) ~~[(7)]~~ Texas Board of Nursing;
- 17 (7) ~~[(8)]~~ Texas Optometry Board;
- 18 (8) ~~[(9)]~~ Department of Agriculture, for licenses
19 issued under Chapter 1951, Occupations Code;
- 20 (9) ~~[(10)]~~ Texas State Board of Pharmacy;
- 21 (10) ~~[(11)]~~ Executive Council of Physical Therapy and
22 Occupational Therapy Examiners;
- 23 (11) ~~[(12)]~~ ~~Texas State Board of Plumbing Examiners,~~
- 24 ~~[(13)]~~ Texas State Board of Podiatric Medical
25 Examiners;
- 26 (12) ~~[(14)]~~ Texas State Board of Examiners of
27 Psychologists;

1 (13) [~~(15)~~] State Board of Veterinary Medical
2 Examiners;

3 (14) [~~(16)~~] Texas Real Estate Commission;

4 (15) [~~(17)~~] Texas Appraiser Licensing and
5 Certification Board;

6 (16) [~~(18)~~] Texas Department of Licensing and
7 Regulation;

8 (17) [~~(19)~~] Texas State Board of Public Accountancy;

9 (18) [~~(20)~~] State Board for Educator Certification;

10 (19) [~~(21)~~] Texas Board of Professional Engineers;

11 (20) [~~(22)~~] Department of State Health Services;

12 (21) [~~(23)~~] Texas Board of Architectural Examiners;

13 (22) [~~(24)~~] Texas Racing Commission;

14 (23) [~~(25)~~] Commission on Law Enforcement Officer
15 Standards and Education; and

16 (24) [~~(26)~~] Texas Private Security Board.

17 SECTION 3.06. Sections 341.034(d) and (e), Health and
18 Safety Code, are amended to read as follows:

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

26 (e) Unless the person is licensed by the Texas Department of
27 Licensing and Regulation under Chapter 1301, Occupations Code

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

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

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

12 SECTION 3.07. Section 341.068(b), Health and Safety Code,
13 is amended to read as follows:

14 (b) The board shall adopt rules to implement Subsection (a),
15 including a rule that in providing sufficient restrooms a ratio of
16 not less than 2:1 women's-to-men's restrooms or other minimum
17 standards established in consultation with the Texas Commission of
18 Licensing and Regulation ~~[State Board of Plumbing Examiners]~~ shall
19 be maintained if the use of the restrooms is designated by gender.
20 The rules shall apply to facilities where the public congregates
21 and on which construction is started on or after January 1, 1994, or
22 on which structural alterations, repairs, or improvements
23 exceeding 50 percent of the entire facility are undertaken on or
24 after January 1, 1994.

25 SECTION 3.08. Section 372.003(d), Health and Safety Code,
26 is amended to read as follows:

27 (d) Rules adopted or amended under this section shall be

1 developed by the commission in conjunction with a technical
2 advisory panel of designated representatives of the Texas Water
3 Development Board and the Texas Commission of Licensing and
4 Regulation [~~State Board of Plumbing Examiners~~].

5 SECTION 3.09. Sections 372.0035(f) and (h), Health and
6 Safety Code, are amended to read as follows:

7 (f) If a person licensed under Chapter 1301, Occupations
8 Code, violates this section, the Texas Department of Licensing and
9 Regulation [~~State Board of Plumbing Examiners~~] may discipline the
10 person under Chapter 51, Occupations Code, [~~Subchapter I of that~~
11 ~~chapter~~] as if a violation of this section were a violation of the
12 law regulating plumbing [~~that chapter~~].

13 (h) A field representative of the Texas Department of
14 Licensing and Regulation [~~State Board of Plumbing Examiners~~] or,
15 within the jurisdiction of a municipality, a municipal plumbing
16 inspector may issue a citation to a person who violates this
17 section.

18 SECTION 3.10. Section 695.002, Health and Safety Code, is
19 amended to read as follows:

20 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
21 department [~~commission~~] shall ensure a casket contains
22 identification of the deceased person, including the person's name,
23 date of birth, and date of death.

24 SECTION 3.11. Sections 711.004(f) and (h), Health and
25 Safety Code, are amended to read as follows:

26 (f) Except as is authorized for a justice of the peace
27 acting as coroner or medical examiner under Chapter 49, Code of

1 Criminal Procedure, remains may not be removed from a cemetery
2 except on the written order of the state registrar or the state
3 registrar's designee. The cemetery organization shall keep a
4 duplicate copy of the order as part of its records. The Texas
5 ~~[Funeral Service]~~ Commission of Licensing and Regulation may adopt
6 rules to implement this subsection.

7 (h) If the remains are not reinterred, the person who
8 removes the remains shall:

9 (1) make and keep a record of the disposition of the
10 remains; and

11 (2) not later than the 30th day after the date the
12 remains are removed, provide notice by certified mail to the Texas
13 Department of Licensing and Regulation ~~[Funeral Service~~
14 ~~Commission]~~ and the Department of State Health Services of the
15 person's intent not to reinter the remains and the reason the
16 remains will not be reinterred.

17 SECTION 3.12. Section 711.007(b), Health and Safety Code,
18 is amended to read as follows:

19 (b) The proceeding may be brought by:

20 (1) the attorney general;

21 (2) the Banking Commissioner of Texas;

22 (3) the governing body of a municipality with a
23 population of more than 25,000, if the cemetery is located in the
24 municipality or not farther than five miles from the municipality;

25 (4) the district attorney of the county, if the
26 cemetery is located in an area of the county not described by
27 Subdivision (3);

(5) the owner of a residence:

(A) in or near the municipality in which the cemetery is located; or

(B) in the area proscribed for the location of a cemetery by Section 711.008;

(6) the Texas Department of Licensing and Regulation [~~Funeral Service Commission~~]; or

(7) the owner of a plot in the cemetery.

SECTION 3.13. Section 711.012(b), Health and Safety Code, is amended to read as follows:

(b) The Texas [~~Funeral Service~~] Commission of Licensing and Regulation may adopt rules, establish procedures, and prescribe forms to enforce and administer Sections 711.003, 711.008, 711.0105, 711.021-711.034, 711.038, 711.0395, 711.041, 711.042, 711.052, 711.061, and 711.062 relating to cemeteries that are not perpetual care cemeteries.

SECTION 3.14. Section 711.0515, Health and Safety Code, as added by Chapters 263 (H.B. 1468) and 914 (H.B. 2927), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE RELIEF. In addition to bringing an action under Section 711.051, the attorney general at the request of the executive director of the Texas Department of Licensing and Regulation [~~Funeral Service Commission~~] may bring an action for injunctive relief to enforce this chapter or a rule or order adopted by the Texas Commission of Licensing and Regulation [~~commission~~] under this chapter.

SECTION 3.15. Section 715.003, Health and Safety Code, is amended to read as follows:

Sec. 715.003. PARTIES TO ACTION. An action commenced under this chapter shall be brought by the incorporators of the nonprofit corporation on behalf of the nonprofit corporation. The necessary parties to the action on which citation shall be served under Section 715.006 are:

(1) the record owners of the real property comprising the historic cemetery;

(2) the owners of plots in the cemetery, who may be designated as a class in the petition;

(3) the Texas Historical Commission; and

(4) the Texas Department of Licensing and Regulation ~~[Funeral Service Commission]~~.

SECTION 3.16. Section 715.006(a), Health and Safety Code, is amended to read as follows:

(a) Before the 31st day after the date an action is commenced by a nonprofit corporation under this chapter, the nonprofit corporation shall cause citation to be issued and served by certified mail, return receipt requested, on:

(1) the record owners of the real property comprising the cemetery at their last known addresses;

(2) the owners of plots in the cemetery at their last known addresses;

(3) the Texas Historical Commission at its office in Austin, Texas;

(4) the Texas Department of Licensing and Regulation

1 ~~[Funeral Service Commission]~~; and

2 (5) the county auditor of the county in which the
3 cemetery is located.

4 SECTION 3.17. Section 716.001, Health and Safety Code, is
5 amended by adding Subdivision (10-a) to read as follows:

6 (10-a) "Department" means the Texas Department of
7 Licensing and Regulation.

8 SECTION 3.18. Section 716.003(b), Health and Safety Code,
9 is amended to read as follows:

10 (b) A crematory, other than a crematory registered under
11 Chapter 651, Occupations Code, ~~[with the commission]~~ on September
12 1, 2003, must:

13 (1) be adjacent to a perpetual care cemetery or
14 funeral establishment; and

15 (2) be owned or operated by the person that owns or
16 operates the perpetual care cemetery or funeral establishment.

17 SECTION 3.19. Section 716.203(e), Health and Safety Code,
18 is amended to read as follows:

19 (e) The department ~~[commission]~~ may not initiate
20 disciplinary action against a crematory establishment on the basis
21 of a complaint based on the conduct of an employee, agent, or
22 representative of the establishment that is:

23 (1) performed outside of the scope and authority of
24 employment; or

25 (2) contrary to the written instructions of the
26 crematory establishment.

27 SECTION 3.20. Section 233.154(a), Local Government Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

25 (i) a licensed engineer;

26 (ii) a registered architect;

27 (iii) a professional inspector licensed by

the Texas Real Estate Commission;

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

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

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

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

SECTION 3.21. Section 113.081(d), Natural Resources Code, is amended to read as follows:

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

SECTION 3.22. Section 113.087(o), Natural Resources Code, is amended to read as follows:

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

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

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

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

4 SECTION 3.23. Section 113.097(j), Natural Resources Code,
5 is amended to read as follows:

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

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

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

14 SECTION 3.24. Section 101.002, Occupations Code, is amended
15 to read as follows:

16 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists
17 of 14 members, with one member appointed by each of the following:

- 18 (1) the Texas Board of Chiropractic Examiners;
19 (2) the State Board of Dental Examiners;
20 (3) the Texas Optometry Board;
21 (4) the Texas State Board of Pharmacy;
22 (5) the Texas State Board of Podiatric Medical
23 Examiners;
24 (6) the State Board of Veterinary Medical Examiners;
25 (7) the Texas Medical Board;
26 (8) the Texas Board of Nursing;
27 (9) the Texas State Board of Examiners of

1 Psychologists;

2 (10) the entity that regulates the funeral service
3 industry [~~Texas Funeral Service Commission~~];

4 (11) the entity that regulates the practice of
5 physical therapy;

6 (12) the entity that regulates the practice of
7 occupational therapy;

8 (13) the health licensing division of the Department
9 of State Health Services; and

10 (14) the governor's office.

11 ARTICLE 4. CONFLICT WITH OTHER ACT; EFFECTIVE DATE

12 SECTION 4.01. To the extent of any conflict, this Act
13 prevails over another Act of the 82nd Legislature, Regular Session,
14 2011, relating to nonsubstantive additions to and corrections in
15 enacted codes.

16 SECTION 4.02. This Act takes effect January 1, 2012.