

Amend **HB 636** (house committee report) as follows:

(1) In SECTION 18 of the bill (page 10, line 26, through page 11, line 5), add the following appropriately numbered subdivisions and renumber the subdivisions of the SECTION accordingly:

(\_\_\_\_) Section 1301.258(c), as added by Chapter 819 (**SB 282**), Acts of the 78th Legislature, Regular Session, 2003;

(\_\_\_\_) Section 1301.304(b);

(\_\_\_\_) Section 1301.4522;

(\_\_\_\_) Section 1301.502(b);

(2) Add the following appropriately numbered SECTIONS to the bill and renumber the SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. Section 1301.203(b), Occupations Code, is amended to read as follows:

(b) A field representative may:

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

(2) investigate consumer complaints filed under Section 1301.303;

(3) assist municipal plumbing inspectors in enforcing this chapter; and

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

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

SECTION \_\_\_\_\_. Section 1301.258(b), Occupations Code, as added by Chapter 819 (**SB 282**), Acts of the 78th Legislature, Regular Session, 2003, is amended to read as follows:

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

SECTION \_\_\_\_\_. Section 1301.304(a), Occupations Code, is amended to read as follows:

(a) The board ~~[enforcement committee]~~ or an employee

designated by the board [~~enforcement committee~~] may investigate an alleged violation of this chapter or a board rule [~~that is reported to the board~~].

SECTION \_\_\_\_\_. Section 1301.502(a), Occupations Code, is amended to read as follows:

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

SECTION \_\_\_\_\_. The heading to Section 1301.703, Occupations Code, is amended to read as follows:

Sec. 1301.703. [~~REPORT AND~~] NOTICE OF VIOLATION AND PENALTY.

SECTION \_\_\_\_\_. Sections 1301.703(a) and (b), Occupations Code, are amended to read as follows:

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

[~~(1) the facts on which the determination is based,~~  
and

[~~(2) the committee's recommendation on the imposition of the penalty, including a recommendation on the amount of the penalty.~~

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

SECTION \_\_\_\_\_. Sections 1301.704(a) and (b), Occupations Code, are amended to read as follows:

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

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

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

(b) If the person accepts the determination and recommended penalty of the board [~~enforcement committee~~], the board by order

shall approve the determination and impose the recommended penalty.

SECTION \_\_\_\_\_. Section 1301.705(a), Occupations Code, is amended to read as follows:

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

SECTION \_\_\_\_\_. Sections 1301.708(a) and (b), Occupations Code, are amended to read as follows:

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

(1) stay enforcement of the penalty by:

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

(B) giving the court a supersedeas bond approved by the court that:

(i) is for the amount of the penalty; and

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

(2) request the court to stay enforcement of the penalty by:

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

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

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

SECTION \_\_\_\_\_. Section 372.0035(h), Health and Safety Code, is amended to read as follows:

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