

# All Published Pre-filed Amendments for HB 636

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## **Schaefer**

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Amendment	E870003
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## **Thompson, Senfronia**

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Amendment	E870001
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Amendment	E870002
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**The following 3 amendments were  
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E870003

21 Apr-12 AM 09:12  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Schaefer

1 Amend H.B. No. 636 (house committee report) as follows:

2 (1) On page 7, line 1, strike "by amending Subsection (a)  
3 and adding Subsection (c)".

4 (2) On page 7, line 3, between "ANNUAL RENEWAL REQUIRED" and  
5 the period, insert "; EXCEPTION".

6 (3) On page 7, line 5, strike "On" and substitute "Except as  
7 provided by Subsection (d), on [On]".

8 (4) On page 7, between lines 6 and 7, insert the following:

9 (b) The board by rule may adopt a system under which  
10 licenses, endorsements, and registrations expire on various dates  
11 during the year.

12 (5) On page 7, between lines 17 and 18, insert the  
13 following:

14 (d) A person who is employed by, under contract with, or  
15 engaged as a volunteer by a school to provide instruction in a  
16 career and technology education program described by Section  
17 1301.3542 and provides meaningful course instruction in the  
18 program, as determined under rules adopted under Section 1301.407,  
19 is not required to pay a fee to renew the person's license.

20 (6) On page 7, strike lines 18 and 19 and substitute the  
21 following:

22 SECTION 13. Section 1301.404, Occupations Code, is amended  
23 by amending Subsections (a), (b), (c), (d), and (e) and adding  
24 Subsection (g) to read as follows:

25 (7) On page 8, between lines 22 and 23, insert the  
26 following:

27 (g) A person who is employed by, under contract with, or  
28 engaged as a volunteer by a school to provide instruction in a  
29 career and technology education program described by Section

1 1301.3542 and provides meaningful course instruction in the  
2 program, as determined under rules adopted under Section 1301.407,  
3 may renew the person's license and any endorsement without  
4 complying with Subsection (b) if the person completes the hours of  
5 continuing professional education required by that subsection  
6 every three years.

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

9 SECTION \_\_\_\_\_. Section 1301.002(10), Occupations Code, is  
10 amended to read as follows:

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

13 (A) has:

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

17 (ii) successfully completed a coherent  
18 sequence of courses in the plumbing trade that are offered through a  
19 career and technology education program, as described by Section  
20 1301.3542;

21 (B) has passed the required examination;

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

25 (D) has fulfilled the other requirements of the  
26 board.

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

29 Sec. 1301.3542. CAREER AND TECHNOLOGY EDUCATION PROGRAM FOR  
30 TRADESMAN PLUMBER-LIMITED LICENSE; INSTRUCTORS. (a)

31 Notwithstanding Section 1301.354, a person who successfully

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

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

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

19 (d) The board shall develop the courses described by  
20 Subsection (a). The courses must be approved by the State Board of  
21 Education.

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

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

30 (g) A person described by Subsection (f) may provide the  
31 instruction in a full-time or part-time capacity as an employee,

1 contractor, or volunteer of a high school.

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

5 SECTION \_\_\_\_\_. Subchapter H, Chapter 1301, Occupations Code,  
6 is amended by adding Section 1301.407 to read as follows:

7 Sec. 1301.407. PROCEDURES FOR VERIFYING CERTAIN  
8 EXEMPTIONS. The board, in consultation with the State Board of  
9 Education, may adopt rules as necessary to verify whether a person  
10 qualifies for an exemption from the required renewal fee, as  
11 described by Section 1301.401(c), or an exemption from required  
12 continuing professional education, as described by Section  
13 1301.404(g), including rules providing for obtaining and  
14 evaluating written verification from the applicable school of the  
15 person's provision of meaningful course instruction in a career and  
16 technology education program described by Section 1301.3542.



E870001

21 Apr-9 PM 04:47  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Thompson of Harris

1 Amend H.B. 636 (house committee report) as follows:

2 (1) In SECTION 18 of the bill (page 10, line 26, through page  
3 11, line 5), add the following appropriately numbered subdivisions  
4 and renumber the subdivisions of the SECTION accordingly:

5 ( ) Section 1301.258(c), as added by Chapter 819 (S.B.  
6 282), Acts of the 78th Legislature, Regular Session, 2003;

7 ( ) Section 1301.304(b);

8 ( ) Section 1301.4522;

9 ( ) Section 1301.502(b);

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

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

14 (b) A field representative may:

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

17 (2) investigate consumer complaints filed under  
18 Section 1301.303;

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

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

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

29 SECTION \_\_\_\_\_. Section 1301.258(b), Occupations Code, as

1 added by Chapter 819 (S.B. 282), Acts of the 78th Legislature,  
2 Regular Session, 2003, is amended to read as follows:

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

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

8 (a) The board [~~enforcement committee~~] or an employee  
9 designated by the board [~~enforcement committee~~] may investigate an  
10 alleged violation of this chapter or a board rule [~~that is reported~~  
11 ~~to the board~~].

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

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

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

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

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

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

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

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



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

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

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

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

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

13           (b) If the person accepts the determination and recommended  
14 penalty of the board ~~[enforcement committee]~~, the board by order  
15 shall approve the determination and impose the recommended penalty.

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

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

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

24           (a) Within the 30-day period prescribed by Section  
25 1301.707, a person who files a petition for judicial review may:

26                   (1) stay enforcement of the penalty by:  
27                           (A) paying the penalty to the court for placement  
28 in an escrow account; or  
29                           (B) giving the court a supersedeas bond approved  
30 by the court that:

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

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

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

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

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

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

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

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



E870002

21 Apr-9 PM 06:15  
HOUSE OF REPRESENTATIVES

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: Thompson of Harris

1 Amend H.B. 636 (house committee report) as follows:

2 (1) On page 11, between lines 3 and 4, insert the following  
3 appropriately numbered subdivision and renumber subsequent  
4 subdivisions accordingly:

5 ( ) Section 1301.358;

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

8 SECTION \_\_. Subchapter G, Chapter 1301, Occupations Code,  
9 is amended by adding Section 1301.3581 to read as follows:

10 Sec. 1301.3581. RECIPROCITY. (a) The board may waive any  
11 prerequisite to obtaining a license, registration, or endorsement  
12 issued under this chapter for an applicant who holds a similar  
13 license, registration, or endorsement issued by another  
14 jurisdiction that has licensing requirements substantially  
15 equivalent to those of this state.

16 (b) The board may make an agreement, subject to the approval  
17 of the governor, with another state to allow for licensing by  
18 reciprocity if the other state has requirements for a license,  
19 registration, or endorsement substantially equivalent to those of  
20 this state.

21 (c) An applicant under this section must:

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

24 (2) provide the board with documents and other  
25 evidence that substantiate the applicant's qualifications.

26 (d) An applicant for a license, registration, or  
27 endorsement issued under this section may not be required to  
28 undergo an examination to obtain the license, registration, or  
29 endorsement if the applicant has held an equivalent license,

1 registration, or endorsement in another jurisdiction for at least  
2 two years. The board may adopt rules for determining whether a  
3 license, registration, or endorsement issued by another  
4 jurisdiction is equivalent to a license, registration, or  
5 endorsement issued under this chapter.