



## LEGISLATIVE UPDATE

May 15, 2017

As of today, it is day 126 of 140. Coming to a close soon with lots of drama on the House Floor and talks of a special session heating up!

As for PHCC, we are watching the following bills:

### **HB 2095 – Related to the Transfer of a Plumber’s License on the retirement or death of the plumber.**

This bill amends a bill from last Session to lower the number of years a license number must be held to 35 from 50. This change will make allow more licensees to take advantage of this option upon their death or retirement. There was a Senate hearing on the bill on Thursday, May 11<sup>th</sup> in Senate Business & Commerce. Sam Dowdy testified on behalf of this bill. It was voted out of committee and we are awaiting how it will be handled next. Either to the Senate Floor for a vote or “gaveled in” as they say. (This is a PHCC Sponsored Bill) *by Rep. Kuempel with Sen. Zaffirini carrying it on the Senate side*

### **HB 3049 – Relating to the number of hours of work experience required of a plumber’s apprentice to take an examination for a plumber’s license.**

This bill would allow the Texas State Board of Plumbing Examiners to credit an apprentice’s application for either a Tradesman or Journeyman license up to 250 hours of *additional* work experience IF the applicant has completed a coherent sequence of courses in the construction trade that are offered through a career and technical education program that is approved by the State Board of Education. This bill was heard in the Senate Business & Commerce Committee on May 11th. Sam Dowdy testified on this bill. It was voted out of committee and we are awaiting how it will be handled next. Either to the Senate floor for a vote or “gaveled in” as they say. (This is a PHCC Sponsored Bill) *by Rep. Guillen with Sen. Creighton carrying it on the Senate side*

### **HB 3029 – Relating to air conditioning and refrigeration contracting and the education and certification of air conditioning and refrigeration technicians.**

This bill would create a technician certification category with TDLR. In so doing, there would be corresponding training, education and other requirements to be met with this level of certification. The important piece to this proposed bill would be that, it is NOT required if an individual *only assists* with the replacement, installation, or repair of equipment. This bill was referred to House Licensing & Administrative Procedures with a hearing that took place on 4/24/17. This bill passed in the House on May 4<sup>th</sup>. It will now be sent over to the Senate. (This is a TACCA Sponsored Bill of which PHCC will support) *by Rep. Frullo*

### **HB 4154 – Relating to the renewal of a plumber’s apprentice certificate of registration.**

This bill would require apprentices to take the approved 6-hour CPE course required by license holders at the third (3<sup>rd</sup>) year renewal and beyond of said registration. This bill was heard in House Licensing & Administrative Procedures on April 17. It was sent to House Calendars on April 24<sup>th</sup>. No further action has been taken. *By Rep. Paul*

**HB 3463 – Relating to an exemption from the plumbing licensing law for public service companies working on certain private property.**

This bill would allow public service companies to NOT have to utilize the services of a licensed plumber to perform plumbing work on behalf of a public service company. This work would extend to plumbing, installation, service or repair of service mains, service lines, appurtenances, equipment or appliances that provide water, sewer, storm drainage, or gas services on private property in an area that extends from a public easement to not less than five feet from a building or structure. This bill was referred to LAP for possible hearing. There has been no word on whether or not a hearing will take place at this time. It is the feeling of the PHCC Lobby Team that it is too late in this Session for any substantial action to occur on this bill. PHCC will continue to monitor its status and work with the Representative's office to share our opinion about this bill. *by Rep. Goldman*

**HB 3712 – Relating to the hours of continuing professional education required for a plumber's license or endorsement.**

This bill would REDUCE the number of required hours for plumber CPE from 6 to 4. PHCC has been in communication with the sponsor of this bill. This bill has been referred to Licensing for a possible hearing. Lobby team feels it is too late to get a hearing that would afford passage of this bill. *by Sheffield*

**HB 3414 – Relating to membership of the Texas State Board of Plumbing Examiners**

This bill would change the membership of the state board to only require ONE Public Member and move the second Public Member to Master or Journeyman. This bill was heard in Licensing and Administrative Procedures on 4/17/17. No action to date. It is still pending in committee. *By Shaheen*

**Construction Bills being monitored by PHCC and Texas Construction Association (TCA):**

**HB 3065 – Relating to Lien Law Modernization** –This modernization will provide a more reliable close-out procedure which will result in fewer perfected lien claims on projects. This bill has been referred to Business & Industry Committee. Testimony was heard on 4/17/17. A committee substitute was offered on May 3<sup>rd</sup> and reported favorably. ***This bill DIED in the House Calendars by House rule.*** *by Deshotel*

**SB 1215 – Relating to the responsibility for defective plans and specifications.** This bill takes the stance that the construction team should not be held liable for construction that is defective due to erroneous documents furnished by the owner. **This bill will be heard in the House Business & Industry Committee on Monday, May 15<sup>th</sup>.** Ken Boen, President of TCA will testify in favor of this bill. PHCC and the Texas Construction Association (TCA) is actively monitoring this bill.

**HB 2668 – Relating to Priority Retainage.** Retainage should be recognized for what it is; a loan to the construction project by the construction team, and it should be protected in a similar fashion as the lender protects its construction loan. This can be accomplished by providing a priority to a lien for retainage that is equal to the priority of a lender's deed of trust for the construction loan. Under **HB 2668**, if the lender forecloses on a construction project, the properly perfected liens for retainage will not be wiped out, but rather will be on the same footing as the lender's deed of trust for the construction loan. The lender will continue to have protection under its deed of trust for the 90% of the construction cost it has provided. The lien for retained funds would not attach to the owner's property if, before withholding retained funds from the original contractor, the owner furnishes and files a bond. ***This bill DIED in the House Calendars Committee by House rules.***

**HB 1053 – Relating to statutes of repose for certain claims involving the construction or repair of an improvement to real property or the attachment of equipment to real property.** This bill would lower the number of years available for a suit for damages to be brought forward from 10 to 5 years. PHCC is in FAVOR of this bill. It was heard in the Judiciary and Civil Jurisprudence Committee on March 28, 2017. Unfortunately, the Texas Trial Lawyers Association was able to get the committee to NOT pass the bill forward.

**Education Bills relating to Workforce:**

**HB 639** address issues on rapid workforce training for critical areas, and for the ability for school districts to secure insurance for students working in local businesses for OJT and Internship situations. **HB 639** was heard in committee and is

awaiting its next steps. It was placed on the General Calendar on May 4<sup>th</sup>. This bill has a good chance of being passed. by  
*"Doc" Anderson*

**HB 1469** would allow CTE (Career and Technology) teachers without Bachelor's Degrees in charter schools. WE will support instructors for trades types of study may prove difficult. This bill passed the House on 4/28/17. It was referred to Senate Education Committee on May 3<sup>rd</sup>.

**HB 2730** would allow TEA (Texas Education Agency) to create CTE credentials/certificates for unmet labor needs. This bill was referred to Public Education and heard on 4/27/17. Left pending in committee.

**SB 2105** would require more information from the Texas Workforce Commission to be shared with high school students. This would include CTE partnerships with local businesses, and field-based learning opportunities for students. This bill passed the Senate and has been referred to the House for consideration on 4/26/17. It was heard in House Economic & Small Business Development on 5/4/17. It was sent to Calendars on May 4<sup>th</sup> as well.

**Any questions or comments? Please contact me: Alicia Dover, Executive Director: [alicia@phcc-tx.org](mailto:alicia@phcc-tx.org) or (512) 523-8094**