



## LEGISLATIVE UPDATE

May 29, 2017

The Texas House and Senate have officially adjourned, bringing the 85th regular legislative session to a close. As of this writing, legislators had sent 824 bills to Gov. Greg Abbott's desk and the governor had signed 190 of them, according to Texas Legislature Online. Lt. Gov. Dan Patrick seemed confident that lawmakers would indeed be reconvening for a special session, and Gov. Abbott has promised an announcement on that later this week.

As for PHCC, we are watching the following bills:

### \*\*\*GREAT NEWS FOR PHCC 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. This bill now sits on the Governor's desk awaiting signature. The Lobby Team is working to ensure that the Governor's staff realizes the importance of this Bill. (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 now sits on the Governor's desk awaiting signature. The Lobby Team is working to ensure that the Governor's staff realizes the importance of this bill. (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 has passed both the House and the Senate. It is awaiting to be sent to the Governor for signature. (This is a TACCA Sponsored Bill of which PHCC fully supports) *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>. This bill DIED in process. *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. As of this writing, no action has been taken on this bill and has essentially DIED this Session. *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. It is the feeling of PHCC that this bill was brought forth for reasons not benefiting the entire industry. Discussions were had with the Representative's office. They are aware of our stance on this. Our Lobby team feels it is too late to get a hearing that would afford passage of this bill. As of this writing, no action has been taken on this bill and has essentially DIED this Session. *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. PHCC is neutral on this bill. We did not take a position during the committee hearing process. This bill was heard in Licensing and Administration Committee on April 17<sup>th</sup>. It has now DIED in that there is not time to further the progress of this bill. *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 was amended and talks will lead to an "interim study" to discuss the components of this issue.*

**HB 3270 – Relating to criminal background checks for persons employed by certain public school contractors.**

It is predicted that this bill will make it to a final Senate vote. The bill would LIMIT criminal background checks for onsite construction employees to only those who are coming in direct contact with students. Work has been done in both chambers. We are awaiting its next steps if possible.

**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.** This is a bill that PHCC would be very interested in seeing brought forth once again in the 86<sup>th</sup> Legislative Session in 2019.

**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 both the House and in Committee in the Senate. We anxiously await its next steps. This bill would help Plumbing and HVAC contractors provide on the job internships and apprenticeships while the high school student is in school, working on a construction related certification. **This bill was signed by the Governor and will be effective immediately! This bill will work well to serve our industry as they seek to bring high school students to the workplace.** *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 has passed both chambers and awaits the Governor’s signature.** This would assist our industry greatly in that “industry personnel” could easily become instructors for trades programs in the schools.

**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 was signed by the Governor and becomes effective 9/1/17.**

**SB 22 - Relating to the establishment of a Pathways in Technology Early College High School (P-TECH) program and to the repeal of the tech-prep program.**

This bill was considered and brought forth by a specially appointed advisory council of the Lt. Governor. Alicia Dover, PHCC Executive Director was a part of this council. The purpose of this bill is to allow school districts to create an onsite program within certain high schools that brings in local industry as partners. In so doing, a student may go to school 4-6 years, and during that time will obtain either an industry certification and/or an associate’s degree. The needs of local industry are key to the success of these programs. **This bill was signed by the Governor and becomes effective 9/1/17.**

**HB 3349 - Relating to creating an abbreviated certification program and probationary and standard certificates for trade and industrial workforce training.**

This bill was passed in both chambers and is awaiting its next steps. This would allow greater flexibility at the local school district levels to forge partnerships with industry to meet workforce needs.

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