

# CONFERENCE COMMITTEE REPORT FORM

Austin, Texas

5/30/2009

Date

Honorable David Dewhurst  
President of the Senate

Honorable Joe Straus  
Speaker of the House of Representatives

Sirs:

We, Your Conference Committee, appointed to adjust the differences between the Senate and the House of Representatives on HB 2649 have had the same under consideration, and beg to report it back with the recommendation that it do pass in the form and text hereto attached.

Deuell

Bob Deuell (Chair)

Kirk Watson

Kirk Watson

Mike Jackson

Wentworth

Jeff Wentworth

Eddie Lucio, Jr.

On the part of the Senate  
Eddie Lucio, Jr.

Wayne Smith

Wayne Smith (Chair)

Patricia Harless

Patricia Harless

William Gallegari

William Gallegari

Charles Anderson

Charles Anderson

Mark Homer

On the part of the House

Mark Homer

## Note to Conference Committee Clerk:

Please type the names of the members of the Conference Committee under the lines provided for signature. Those members desiring to sign the report should sign each of the six copies. Attach a copy of the Conference Committee Report and a Section by Section side by side comparison to each of the six reporting forms. The original and two copies are filed in house of origin of the bill, and three copies in the other house.

# CONFERENCE COMMITTEE REPORT

3<sup>rd</sup> Printing

H.B. No. 2649

A BILL TO BE ENTITLED

AN ACT

relating to the regulation and practice of engineering.

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

SECTION 1. Section 1001.056, Occupations Code, is amended by adding Subsection (c) to read as follows:

(c) The exemption provided by this section does not apply to a person or entity that is:

(1) providing engineering design or inspection services necessary to comply with windstorm certification standards for a residential dwelling under Subchapter F, Chapter 2210, Insurance Code; or

(2) providing engineering design relating to constructing, enlarging, altering, or repairing, or drawing plans or specifications for, a residential dwelling slab located on expansive soil that meets the expansive soil classification provisions of the International Residential Code as applied in the jurisdiction in which the residential dwelling is located, unless the construction, enlargement, alteration, repair, or drawing of plans or specifications meets the International Residential Code requirements as applied in the jurisdiction in which the residential dwelling is located.

SECTION 2. Subchapter B, Chapter 1001, Occupations Code, is amended by adding Section 1001.067 to read as follows:

Sec. 1001.067. CERTAIN FIRE DEPARTMENT EMPLOYEES. This

1 chapter does not prohibit the professional use of the term "fire  
2 engineer" by a member of a fire department in a municipality with a  
3 population of one million or more that has adopted Chapter 143,  
4 Local Government Code, and to which Subchapter G of that chapter  
5 does not generally apply, who:

- 6           (1) holds the position of fire apparatus operator; and  
7           (2) is not otherwise engaged in the practice of  
8 engineering.

9           SECTION 3. Section 1001.401, Occupations Code, is amended  
10 by adding Subsection (e) to read as follows:

11           (e) A license holder shall not be required to provide or  
12 hold any additional certification, other than a license issued  
13 under this chapter, to seal an engineering plan, specification,  
14 plat, or report.

15           SECTION 4. This Act takes effect immediately if it receives  
16 a vote of two-thirds of all the members elected to each house, as  
17 provided by Section 39, Article III, Texas Constitution. If this  
18 Act does not receive the vote necessary for immediate effect, this  
19 Act takes effect September 1, 2009.

**House Bill 2649**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Adds Section 1001.056(c), Occupations Code, to establish an exception to the exemption from engineering licensing requirements otherwise provided for persons or entities engaged in certain project to exclude person or entity providing inspection services necessary to comply with windstorm certification standards for a residential dwelling or constructing, enlarging, altering, or repairing, or drawing plans or specifications for a residential dwelling slab on expansive soil that meets expansive soil classification provisions of the International Residential Code as applied in the area where the dwelling is located, unless that activity meets that code's requirements.

SECTION 2. Adds Section 1001.067, Occupations Code, Certain Fire Department Employees.

No equivalent provision.

SECTION 3. Section 1001.401, Occupations Code, is amended by adding Subsection (e) to read as follows:  
(e) A license holder shall not be required to provide or hold any additional certification, other than a license

SENATE VERSION

SECTION 1. Same as House version, except includes providing engineering design in the exception to the exemption.

SECTION 2. Same as House version.

SECTION 3. Adds Section 1001.3011, Occupations Code, Lighting Design; License or Registration Required, to prohibit a person from performing or offering to perform lighting design services unless the person is a licensed engineer; a registered architect, landscape architect, or interior designer; or a licensed electrician. Defines "lighting design services."

SECTION 4. Section 1001.401, Occupations Code, is amended by adding Subsection (e) to read as follows:  
(e) A license holder is not required to provide or hold any additional certification, other than a license issued

CONFERENCE

SECTION 1. Same as Senate version..

SECTION 2. Same as House version.

Same as House version.

SECTION 3. Substantially the same as House version, except applies to the sealing of an *engineering* plan.

**House Bill 2649**  
Conference Committee Report  
Section-by-Section Analysis

HOUSE VERSION

issued under this chapter, to seal a plan, specification, plat, or report.

No equivalent provision.

No equivalent provision.

SECTION 4. Effective date.

SENATE VERSION

under this chapter, to seal an ~~engineering~~ plan, specification, plat, or report.

SECTION 5. Adds Section 1051.308, Occupations Code, Lighting Design; Registration or License Required, to prohibit a person from performing or offering to perform lighting design services unless the person is a registered architect, landscape architect, or interior designer; a licensed engineer; or a licensed electrician. Defines "lighting design services."

SECTION 6. Adds Section 1305.1511, Occupations Code, Lighting Design; License Or Registration Required, to prohibit a person from performing or offering to perform lighting design services unless the person is a licensed electrician; a licensed engineer; or a registered architect, landscape architect, or interior designer. Defines "lighting design services."

SECTION 7. Same as House version.

CONFERENCE

Same as House version.

Same as House version.

SECTION 4. Same as House version.

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION**

**May 30, 2009**

**TO: Honorable David Dewhurst , Lieutenant Governor, Senate**  
**Honorable Joe Straus, Speaker of the House, House of Representatives**

**FROM: John S. O'Brien, Director, Legislative Budget Board**

**IN RE: HB2649 by Smith, Wayne (Relating to the regulation and practice of engineering. ),**  
**Conference Committee Report**

<b>No fiscal implication to the State is anticipated.</b>
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**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 452 Department of Licensing and Regulation, 459 Board of Architectural Examiners,  
460 Board of Professional Engineers

**LBB Staff:** JOB, SZ, JRO, MW

## Certification of Compliance with Rule 13, Section 6(b), House Rules of Procedure

Rule 13, Section 6(b), House Rules of Procedure, requires that a copy of a conference committee report signed by a majority of each committee of the conference must be furnished to each member of the committee in person or if unable to deliver in person by placing a copy in the member's newspaper mailbox at least one hour before the report is furnished to each member of the house under Section 10(a) of this rule. The paper copies of the report submitted to the chief clerk under Section 10(b) of this rule must contain a certificate that the requirement of this subsection has been satisfied, and that certificate must be attached to the printed copy of the report furnished to each member under Section 10(d) of this rule. Failure to comply with this subsection is not a sustainable point of order under this rule.

I certify that a copy of the conference committee report on H. B. 2649 was furnished to each member of the conference committee in compliance with Rule 13, Section 6(b), House Rules of Procedure, before submission of the paper copies of the report to the chief clerk under Section 10(b), Rule 13, House Rules of Procedure.

Wayne Smith  
(name)

05/29/2009  
(date)