

By: Solomons, Chisum, Gallego, Dunnam

H.B. No. 706

A BILL TO BE ENTITLED

1 AN ACT

2 relating to continuation and functions of the Texas Board of
3 Professional Land Surveying.

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

5 SECTION 1. Section 1071.003, Occupations Code, is amended
6 to read as follows:

7 Sec. 1071.003. APPLICATION OF SUNSET ACT. The Texas Board
8 of Professional Land Surveying is subject to Chapter 325,
9 Government Code (Texas Sunset Act). Unless continued in existence
10 as provided by that chapter, the board is abolished and this chapter
11 expires September 1, 2015 [~~2003~~].

12 SECTION 2. Section 1071.051(g), Occupations Code, is
13 amended to read as follows:

14 (g) Appointments to the board shall be made without regard
15 to the race, color, disability, [~~creed,~~] sex, religion, age, or
16 national origin of the appointee.

17 SECTION 3. Section 1071.053, Occupations Code, is amended
18 to read as follows:

19 Sec. 1071.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS. (a)
20 In this section, "Texas trade association" means a [~~nonprofit,~~]
21 cooperative[~~7~~] and voluntarily joined statewide association of
22 business or professional competitors in this state designed to
23 assist its members and its industry or profession in dealing with
24 mutual business or professional problems and in promoting their

1 common interest.

2 (b) A person may not be a member of the board and may not be
3 an employee of the board employed in a "bona fide executive,
4 administrative, or professional capacity," as that phrase is used
5 for purposes of establishing an exemption to the overtime
6 provisions of the federal Fair Labor Standards Act of 1938 (29
7 U.S.C. Section 201 et seq.) and its subsequent amendments, if:

8 (1) the person is an [An] officer, employee, or paid
9 consultant of a Texas trade association in the field of surveying;
10 or

11 (2) the person's spouse is [~~may not be a board member~~
12 ~~or an employee of the board who is exempt from the state's position~~
13 ~~classification plan or is compensated at or above the amount~~
14 ~~prescribed by the General Appropriations Act for step 1, salary~~
15 ~~group A17, of the position classification salary schedule.~~

16 [~~(c) A person who is the spouse of]~~ an officer, manager, or
17 paid consultant of a Texas trade association in the field of
18 surveying [~~may not be a board member or an employee of the board who~~
19 ~~is exempt from the state's position classification plan or is~~
20 ~~compensated at or above the amount prescribed by the General~~
21 ~~Appropriations Act for step 1, salary group A17, of the position~~
22 ~~classification salary schedule].~~

23 (c) [~~(d)~~] A person may not be [~~serve as~~] a member of the
24 board or act as the general counsel to the board if the person is
25 required to register as a lobbyist under Chapter 305, Government
26 Code, because of the person's activities for compensation on behalf
27 of a profession related to the operation of the board.

1 SECTION 4. Sections 1071.056(a) and (c), Occupations Code,
2 are amended to read as follows:

3 (a) It is a ground for removal from the board that a member:

4 (1) does not have at the time of taking office
5 ~~[appointment]~~ the qualifications required by Sections 1071.051 and
6 1071.052;

7 (2) does not maintain during service on the board the
8 qualifications required by Sections 1071.051 and 1071.052;

9 (3) is ineligible for membership under Section
10 1071.051, 1071.052, or ~~[violates a prohibition established by~~
11 ~~Section]~~ 1071.053;

12 (4) cannot, because of illness or disability,
13 discharge the member's duties for a substantial part of the member's
14 term; or

15 (5) is absent from more than half of the regularly
16 scheduled board meetings that the member is eligible to attend
17 during a calendar year without an excuse approved ~~[unless the~~
18 ~~absence is excused]~~ by majority vote of the board.

19 (c) If the executive director has knowledge that a potential
20 ground for removal exists, the executive director shall notify the
21 presiding officer of the board of the potential ground. The
22 presiding officer shall then notify the governor and the attorney
23 general that a potential ground for removal exists. If the
24 potential ground for removal involves the presiding officer, the
25 executive director shall notify the next highest ranking officer of
26 the board, who shall then notify the governor and the attorney
27 general that a potential ground for removal exists.

1 SECTION 5. Subchapter B, Chapter 1071, Occupations Code, is
2 amended by adding Section 1071.059 to read as follows:

3 Sec. 1071.059. TRAINING. (a) A person who is appointed to
4 and qualifies for office as a member of the board may not vote,
5 deliberate, or be counted as a member in attendance at a meeting of
6 the board until the person completes a training program that
7 complies with this section.

8 (b) The training program must provide the person with
9 information regarding:

10 (1) the legislation that created the board;

11 (2) the programs operated by the board;

12 (3) the role and functions of the board;

13 (4) the rules of the board, with an emphasis on the
14 rules that relate to disciplinary and investigatory authority;

15 (5) the current budget for the board;

16 (6) the results of the most recent formal audit of the
17 board;

18 (7) the requirements of:

19 (A) the open meetings law, Chapter 551,
20 Government Code;

21 (B) the public information law, Chapter 552,
22 Government Code;

23 (C) the administrative procedure law, Chapter
24 2001, Government Code; and

25 (D) other laws relating to public officials,
26 including conflict-of-interest laws; and

27 (8) any applicable ethics policies adopted by the

1 board or the Texas Ethics Commission.

2 (c) A person appointed to the board is entitled to
3 reimbursement, as provided by the General Appropriations Act, for
4 the travel expenses incurred in attending the training program
5 regardless of whether the attendance at the program occurs before
6 or after the person qualifies for office.

7 SECTION 6. Section 1071.104, Occupations Code, is amended
8 to read as follows:

9 Sec. 1071.104. REQUIREMENTS [~~QUALIFICATIONS~~] AND STANDARDS
10 OF CONDUCT INFORMATION. The executive director or the executive
11 director's designee [~~board~~] shall provide [~~, as often as necessary,~~]
12 to [~~its~~] members of the board and to board employees, as often as
13 necessary, information regarding the requirements [~~their~~]

14 [~~(1) qualifications~~] for office or employment under
15 this chapter, including information regarding a person's [~~, and~~

16 [~~(2)~~] responsibilities under applicable laws relating
17 to standards of conduct for state officers or employees.

18 SECTION 7. Section 1071.106, Occupations Code, is amended
19 to read as follows:

20 Sec. 1071.106. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
21 REPORT. (a) The executive director or the executive director's
22 designee shall prepare and maintain a written policy statement that
23 implements a program [~~to ensure implementation~~] of [~~an~~] equal
24 employment opportunity to ensure that [~~program under which~~] all
25 personnel decisions [~~transactions~~] are made without regard to race,
26 color, disability, sex, religion, age, or national origin. The
27 policy statement must include:

1 (1) personnel policies, including policies relating
2 to recruitment, evaluation, selection, appointment, training, and
3 promotion of personnel, that show the intent of the board to avoid
4 the unlawful employment practices described by Chapter 21, Labor
5 Code; and

6 (2) an [a-comprehensive] analysis of the extent to
7 which the composition of the board's personnel is in accordance
8 with [board workforce that meets federal and] state and federal law
9 and a description of reasonable methods to achieve compliance with
10 state and federal law [guidelines;

11 ~~[(3) procedures by which a determination can be made~~
12 ~~of significant underuse in the board workforce of all persons for~~
13 ~~whom federal or state guidelines encourage a more equitable~~
14 ~~balance; and~~

15 ~~[(4) reasonable methods to appropriately address~~
16 ~~those areas of significant underuse].~~

17 (b) A policy statement prepared under Subsection (a) must:

18 (1) ~~[cover an annual period;~~

19 ~~[(2)] be updated [at least] annually;~~

20 (2) be reviewed by the Commission on Human Rights for
21 compliance with Subsection (a)(1); and

22 (3) be filed with the governor's office ~~[governor].~~

23 ~~[(c) The governor shall deliver a biennial report to the~~
24 ~~legislature based on information received under Subsection (b).~~
25 ~~The report may be made separately or as part of other biennial~~
26 ~~reports made to the legislature.]~~

27 SECTION 8. Subchapter C, Chapter 1071, Occupations Code, is

1 amended by adding Section 1071.107 to read as follows:

2 Sec. 1071.107. INFORMATION ON STATE EMPLOYEE INCENTIVE
3 PROGRAM. The executive director or the executive director's
4 designee shall provide to board employees information and training
5 on the benefits and methods of participation in the state employee
6 incentive program under Subchapter B, Chapter 2108, Government
7 Code.

8 SECTION 9. Section 1071.151, Occupations Code, is amended
9 by adding Subsection (c) to read as follows:

10 (c) The board by rule shall establish the enforcement
11 process for a violation of this chapter or a board rule.

12 SECTION 10. Subchapter D, Chapter 1071, Occupations Code,
13 is amended by adding Section 1071.1515 to read as follows:

14 Sec. 1071.1515. RULES ON CONSEQUENCES OF CRIMINAL
15 CONVICTION. The board shall adopt rules necessary to comply with
16 Chapter 53.

17 SECTION 11. Subchapter D, Chapter 1071, Occupations Code,
18 is amended by adding Sections 1071.1525, 1071.1526, and 1071.158 to
19 read as follows:

20 Sec. 1071.1525. NEGOTIATED RULEMAKING AND ALTERNATIVE
21 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
22 implement a policy to encourage the use of:

23 (1) negotiated rulemaking procedures under Chapter
24 2008, Government Code, for the adoption of board rules; and

25 (2) appropriate alternative dispute resolution
26 procedures under Chapter 2009, Government Code, to assist in the
27 resolution of internal and external disputes under the board's

1 jurisdiction.

2 (b) The board's procedures relating to alternative dispute
3 resolution must conform, to the extent possible, to any model
4 guidelines issued by the State Office of Administrative Hearings
5 regarding the use of alternative dispute resolution by state
6 agencies.

7 (c) The board shall designate a trained person to:

8 (1) coordinate the implementation of the policy
9 adopted under Subsection (a);

10 (2) serve as a resource for any training necessary for
11 implementation of the negotiated rulemaking or alternative dispute
12 resolution procedures; and

13 (3) collect data on the effectiveness of the
14 procedures as implemented by the board.

15 Sec. 1071.1526. FEES. The board shall set fees in amounts
16 reasonable and necessary to cover the costs of administering this
17 chapter.

18 Sec. 1071.158. TECHNOLOGY POLICY. The board shall develop
19 and implement a policy requiring the executive director and board
20 employees to research and propose appropriate technological
21 solutions to improve the board's ability to perform its functions.

22 The technological solutions must:

23 (1) ensure that the public is able to easily find
24 information about the board on the Internet;

25 (2) ensure that persons who want to use the board's
26 services are able to:

27 (A) interact with the board through the Internet;

1 and

2 (B) access any service that can be provided
3 effectively through the Internet; and

4 (3) be cost-effective and developed through the
5 board's planning process.

6 SECTION 12. Section 1071.203, Occupations Code, is amended
7 by adding Subsection (c) to read as follows:

8 (c) The board shall accept a complaint regardless of whether
9 the complaint is notarized.

10 SECTION 13. Section 1071.204, Occupations Code, is amended
11 to read as follows:

12 Sec. 1071.204. RECORDS OF COMPLAINTS. (a) The board shall
13 maintain a [keep an information] file on [about] each written
14 complaint filed with the board that the board has authority to
15 resolve. The file must include:

16 (1) the name of the person who filed the complaint;

17 (2) the date the complaint is received by the board;

18 (3) the subject matter of the complaint;

19 (4) the name of each person contacted in relation to
20 the complaint;

21 (5) a summary of the results of the review or
22 investigation of the complaint; and

23 (6) an explanation of the reason the file was closed,
24 if the board closed the file without taking action other than to
25 investigate the complaint.

26 (b) If a written complaint that the board has authority to
27 resolve is filed with the board, the board shall provide to the

1 person filing the complaint and to each person who is a subject of
2 the complaint a copy of the board's policies and procedures
3 relating to complaint investigation and resolution.

4 (c) The board, at least quarterly and until final
5 disposition of the complaint, shall notify the person filing
6 ~~[parties to]~~ the complaint and each person who is a subject of the
7 complaint of the status of the investigation ~~[complaint]~~ unless the
8 notice would jeopardize an undercover investigation.

9 (d) A complaint that is dismissed or determined to be
10 without merit is confidential and may not be disclosed to the public
11 under Chapter 552, Government Code.

12 SECTION 14. Section 1071.252(b), Occupations Code, is
13 amended to read as follows:

14 (b) An application must be made on a form prescribed and
15 furnished by the board and contain statements ~~[made under oath]~~
16 that show the applicant's education and experience. The
17 application must contain a detailed summary of the applicant's
18 education and experience and references from at least three
19 registered professional land surveyors having personal knowledge
20 of the applicant's surveying experience. The board shall accept an
21 application that meets board requirements regardless of whether the
22 application is notarized.

23 SECTION 15. Section 1071.257, Occupations Code, is amended
24 to read as follows:

25 Sec. 1071.257. EXAMINATION RESULTS. (a) Not later than the
26 30th day after the date a person takes a licensing examination, the
27 ~~[The]~~ board shall notify the person ~~[each examinee]~~ of the

1 ~~[examination]~~ results of the ~~[not later than the 30th day after the~~
2 ~~date the board receives notice of all]~~ examination ~~[results]~~.

3 (b) If the examination is graded or reviewed by a testing
4 service:

5 (1) the board shall notify the person of the results of
6 the examination not later than the 14th day after the date the board
7 receives the results from the testing service; and

8 (2) if notice of the examination results will be
9 delayed for longer than 90 days after the examination date, the
10 board shall notify the person of the reason for the delay before the
11 90th day.

12 (c) If requested in writing by a person who fails an
13 examination administered under this chapter, the board shall
14 furnish ~~[provide to]~~ the person with an analysis of the person's
15 performance on the examination. The analysis shall be provided in a
16 summary form that does not compromise the integrity of the
17 examination.

18 (d) The board may require a testing service to notify a
19 person of the results of the person's examination.

20 SECTION 16. Section 1071.258, Occupations Code, is amended
21 to read as follows:

22 Sec. 1071.258. REEXAMINATION; FEE. An applicant who fails
23 an examination may apply to take a subsequent examination by filing
24 an updated application and paying an additional examination fee set
25 by the board ~~[not to exceed \$100]~~.

26 SECTION 17. Section 1071.259(b), Occupations Code, is
27 amended to read as follows:

1 (b) The board may issue a certificate of registration as a
2 registered professional land surveyor to an applicant under this
3 section who meets all waived and unwaived registration requirements
4 and who:

5 (1) applies to the board for a certificate of
6 registration;

7 (2) pays a fee set by the board [~~in an amount not to~~
8 ~~exceed \$100~~]; and

9 (3) passes an examination on Texas surveying.

10 SECTION 18. Section 1071.262, Occupations Code, is amended
11 to read as follows:

12 Sec. 1071.262. REPLACEMENT OF REVOKED, LOST, OR DESTROYED
13 CERTIFICATE OR LICENSE. The board may issue, on payment of a [~~\$20~~
14 fee set by the board and subject to board rules, a new certificate
15 of registration or license to replace a certificate or license that
16 has been revoked, lost, destroyed, or mutilated.

17 SECTION 19. Section 1071.263(b), Occupations Code, is
18 amended to read as follows:

19 (b) A registration holder on inactive status must pay an
20 annual fee set by the board [~~of \$10~~].

21 SECTION 20. Section 1071.301(a), Occupations Code, is
22 amended to read as follows:

23 (a) The board by rule may adopt a system under which
24 certificates of registration and licenses expire on various dates
25 during the year. For the year in which the [A] certificate [~~of~~
26 registration] or [a] license expiration date is changed, the board
27 shall prorate certificate and license fees on a monthly basis so

1 that each certificate or license holder pays only that portion of
2 the certificate or license fee that is allocable to the number of
3 months during which the certificate or license is valid. On renewal
4 of the certificate or license on the new expiration date, the total
5 certificate or license renewal fee is payable [~~issued under this~~
6 ~~chapter expires on December 31 of each year or on a date set by board~~
7 ~~rule as part of a staggered renewal system~~].

8 SECTION 21. Section 1071.302, Occupations Code, is amended
9 to read as follows:

10 Sec. 1071.302. NOTICE OF EXPIRATION. Not later than
11 [~~Before~~] the 30th day before [~~preceding~~] the [~~expiration~~] date [~~of~~]
12 a person's certificate of registration or license is scheduled to
13 expire, the board shall send written notice of the impending
14 expiration to the person at the person's last known address
15 according to the board's records.

16 SECTION 22. Section 1071.303, Occupations Code, is amended
17 to read as follows:

18 Sec. 1071.303. PROCEDURE FOR RENEWAL. (a) A person who is
19 otherwise eligible to renew a certificate of registration or
20 license may renew an unexpired certificate [~~of registration~~] or
21 license by paying the required renewal fee to the board before the
22 expiration date of the certificate or license. A person whose
23 certificate or license has expired may not engage in activities
24 that require a certificate or license until the certificate or
25 license has been renewed.

26 (b) A person whose certificate or license has been expired
27 for 90 days or less may renew the certificate or license by paying

1 to the board a [~~the required~~] renewal fee [~~and a fee~~] that is equal
2 to 1-1/2 times the normally required renewal [~~half of the amount of~~
3 ~~the examination~~] fee [~~for the certificate or license~~].

4 (c) A person whose certificate or license has been expired
5 for more than 90 days but less than one year may renew the
6 certificate or license by paying to the board a [~~all unpaid~~] renewal
7 [~~fees and a~~] fee that is equal to two times the normally required
8 renewal [~~the amount of the examination~~] fee [~~for the certificate or~~
9 ~~license~~].

10 (d) A person whose certificate or license has been expired
11 for one year or more may not renew the certificate or license. The
12 person may obtain a new certificate or license by [~~submitting to~~
13 ~~reexamination and~~] complying with the requirements and procedures,
14 including the examination requirements, for obtaining an original
15 certificate or license.

16 (e) A person who was registered or licensed in this state,
17 moved to another state, and is currently registered or licensed and
18 has been in practice in the other state for the two years preceding
19 the date of application may obtain a new certificate or license
20 without reexamination. The person must pay to the board a fee that
21 is equal to two times the normally required renewal fee for the
22 certificate or license.

23 SECTION 23. Section 1071.401(a), Occupations Code, is
24 amended to read as follows:

25 (a) The board shall revoke, [~~or~~] suspend, or refuse to renew
26 a certificate of registration or license, place on probation a
27 person whose certificate or license has been suspended, or

1 reprimand a registration holder or license holder for:

2 (1) fraud or deceit in obtaining a certificate or
3 license under this chapter;

4 (2) gross negligence, incompetence, or misconduct in
5 the practice of surveying as a land surveyor; or

6 (3) a violation of this chapter or a board rule.

7 SECTION 24. Section 1071.402, Occupations Code, is amended
8 by amending Subsection (b) and adding Subsections (c)-(g) to read
9 as follows:

10 (b) The board shall assign an employee or contract with an
11 investigator to investigate each alleged violation of this chapter
12 or a board rule [an applicable statute] that is reported to the
13 board [and substantiated by an affidavit]. The board may employ
14 investigators and inspectors as necessary to properly enforce this
15 chapter.

16 (c) A board employee investigating an alleged violation
17 may:

18 (1) dismiss a complaint that is without merit; or

19 (2) determine whether a person has committed the
20 violation and recommend sanctions to the board.

21 (d) A board employee investigating an alleged violation
22 shall report the dismissal of a complaint under Subsection (c)(1)
23 to the board in the manner required by the board.

24 (e) The person making a complaint that is dismissed under
25 Subsection (c)(1) may request reconsideration of the dismissal by
26 the board.

27 (f) The board may appoint a subcommittee of the board that

1 includes at least one board member who represents the public to
2 assist in an investigation. A member of a subcommittee or a member
3 of the board who consults with board personnel or an investigator on
4 a complaint may not vote at a board disciplinary hearing related to
5 the complaint.

6 (g) The board may not take into consideration a previously
7 dismissed complaint while resolving a complaint before the board.
8 The board may take into consideration any previous violation of
9 this chapter or a board rule when assessing a sanction or penalty
10 for a complaint before the board.

11 SECTION 25. Subchapter I, Chapter 1071, Occupations Code,
12 is amended by adding Section 1071.4035 to read as follows:

13 Sec. 1071.4035. INFORMAL SETTLEMENT CONFERENCE;
14 RESTITUTION. (a) The board by rule shall establish guidelines for
15 an informal settlement conference related to a complaint filed with
16 the board.

17 (b) Subject to Subsection (c), the board may order a person
18 licensed or registered under this chapter to pay restitution to a
19 consumer as provided in an agreement resulting from an informal
20 settlement conference instead of or in addition to assessing an
21 administrative penalty under this chapter.

22 (c) The amount of restitution ordered as provided in an
23 agreement resulting from an informal settlement conference may not
24 exceed the amount the consumer paid to the person for a service
25 regulated by this chapter. The board may not require payment of
26 other damages or estimate harm in a restitution order.

27 SECTION 26. Section 1071.404, Occupations Code, is amended

1 to read as follows:

2 Sec. 1071.404. PROBATION. (a) The board may require a
3 person whose certificate of registration or license suspension is
4 probated to:

5 (1) report regularly to the board on matters that are
6 the basis of the probation;

7 (2) limit practice to the areas prescribed by the
8 board; or

9 (3) continue or renew professional education until the
10 practitioner attains a degree of skill satisfactory to the board in
11 those areas that are the basis of the probation.

12 (b) The board by rule shall adopt written guidelines to
13 ensure that probation is administered consistently.

14 SECTION 27. Section 1071.452, Occupations Code, is amended
15 by adding Subsection (c) to read as follows:

16 (c) The board by rule shall adopt an administrative penalty
17 schedule for violations of this chapter or board rules to ensure
18 that the amounts of penalties imposed are appropriate to the
19 violation.

20 SECTION 28. Chapter 1071, Occupations Code, is amended by
21 adding Subchapter L to read as follows:

22 SUBCHAPTER L. EXAMINATION ADVISORY COMMITTEES

23 Sec. 1071.551. EXAMINATION ADVISORY COMMITTEES. The board
24 may establish examination advisory committees to assist the board
25 in developing each examination required by this chapter.

26 Sec. 1071.552. BOARD RULES. (a) The board by rule shall:

27 (1) establish the purpose, role, responsibility, and

1 goals of an examination advisory committee;

2 (2) determine the size of and quorum requirements for
3 an examination advisory committee;

4 (3) determine the qualifications of an examination
5 advisory committee member, which may include experience and
6 geographic location requirements;

7 (4) provide a process for the appointment of
8 examination advisory committee members;

9 (5) establish the term of office for examination
10 advisory committee members; and

11 (6) determine the training requirements for an
12 examination advisory committee member.

13 (b) The board by rule shall define the examination
14 development process under this chapter, including the board's
15 interaction with the examination advisory committees during the
16 process.

17 Sec. 1071.553. ELIGIBILITY OF BOARD MEMBER. (a) A board
18 member is not eligible to serve as a voting member of an examination
19 advisory committee.

20 (b) A board member may attend an examination advisory
21 committee meeting to act as a liaison with the board.

22 Sec. 1071.554. MEETINGS. (a) Except as provided by
23 Subsection (b), the meetings of an examination advisory committee
24 are open meetings under Chapter 551, Government Code.

25 (b) An examination advisory committee may hold a closed
26 meeting to consider a test item or information related to a test
27 item as provided by Section 551.088, Government Code.

1 Sec. 1071.555. APPLICABILITY OF OTHER LAW. (a) Except as
2 provided by Subsection (b), an examination advisory committee is
3 subject to Chapter 2110, Government Code.

4 (b) Section 2110.002(b), Government Code, does not apply to
5 the appointment of examination advisory committee members.

6 Sec. 1071.556. EXAMINATION ADVISORY COMMITTEE DUTIES. An
7 examination advisory committee shall:

8 (1) develop the examinations required by this chapter
9 in accordance with board rules; and

10 (2) perform other tasks assigned by the board.

11 SECTION 29. (a) Not later than January 1, 2004, the Texas
12 Board of Professional Land Surveying shall:

13 (1) adopt the rules required by Sections 1071.1515 and
14 1071.4035, Occupations Code, as added by this Act; and

15 (2) set the fees required by Section 1071.1526,
16 Occupations Code, as added by this Act.

17 (b) Not later than September 1, 2005, the Texas Board of
18 Professional Land Surveying shall:

19 (1) adopt the written guidelines required by Section
20 1071.404, Occupations Code, as amended by this Act; and

21 (2) adopt the administrative penalty schedule
22 required by Section 1071.452(c), Occupations Code, as added by this
23 Act.

24 SECTION 30. (a) In accordance with Section 311.031(c),
25 Government Code, which gives effect to a substantive amendment
26 enacted by the same legislature that codifies the amended statute,
27 the text of Section 1071.258, Occupations Code, as set out in

1 Section 15 of this Act, gives effect to changes made by Chapter 594,
2 Acts of the 77th Legislature, Regular Session, 2001.

3 (b) To the extent of any conflict, this Act prevails over
4 another Act of the 78th Legislature, Regular Session, 2003,
5 relating to nonsubstantive additions to and corrections in enacted
6 codes.

7 SECTION 31. (a) This Act takes effect September 1, 2003.

8 (b) A rule adopted by the Texas Board of Professional Land
9 Surveying applicable to Chapter 1071, Occupations Code, that is in
10 effect on the effective date of this Act shall remain in effect as a
11 rule of the Texas Board of Professional Land Surveying until
12 superseded by a new rule adopted by the Texas Board of Professional
13 Land Surveying.

14 (c) The changes in law made by this Act by Section 1071.053,
15 Occupations Code, as amended by this Act, and Section 1071.059,
16 Occupations Code, as added by this Act, in the prohibitions on or
17 qualifications of members of the Texas Board of Professional Land
18 Surveying do not affect the entitlement of a member serving on the
19 Texas Board of Professional Land Surveying immediately before
20 September 1, 2003, to continue to serve and function as a member of
21 the Texas Board of Professional Land Surveying for the remainder of
22 the member's term. Those changes in law apply only to a member
23 appointed on or after September 1, 2003.

24 (d) The change in law made by this Act to Chapter 1071,
25 Occupations Code, relating to the investigation of a complaint
26 applies only to a complaint filed with the Texas Board of
27 Professional Land Surveying on or after the effective date of this

1 Act. A complaint filed with the board before the effective date of
2 this Act is governed by the law as it existed immediately before
3 that date, and the former law is continued in effect for that
4 purpose.

1 be redacted.

2 (f) In this section, "frivolous complaint" means a
3 complaint that the executive director and investigator, with board
4 approval, determine:

5 (1) was made for the purpose of harassment; and

6 (2) does not demonstrate harm to any person.

7 78R11494 E

Jones of Lubbock