

By: Shapleigh

S.B. No. 260

A BILL TO BE ENTITLED

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AN ACT

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

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

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

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

SECTION 2. Subsections (a) and (g), Section 1071.051, Occupations Code, are amended to read as follows:

(a) The Texas Board of Professional Land Surveying consists of nine [~~10~~] members as follows:

(1) the commissioner;

(2) two licensed state land surveyor members actively engaged in the practice of state land surveying for not less than the five years preceding appointment;

(3) three [~~four~~] registered professional land surveyor members actively engaged in the practice of professional surveying in this state for not less than the five years preceding appointment; and

(4) three members who represent the public.

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

4 SECTION 3. Section 1071.053, Occupations Code, is amended  
5 to read as follows:

6 Sec. 1071.053. MEMBERSHIP AND EMPLOYEE RESTRICTIONS.

7 (a) In this section, "Texas trade association" means a  
8 [~~nonprofit,~~] cooperative[~~,~~] and voluntarily joined statewide  
9 association of business or professional competitors in this state  
10 designed to assist its members and its industry or profession in  
11 dealing with mutual business or professional problems and in  
12 promoting their common interest.

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

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

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

27 [~~(c) A person who is the spouse of]~~ an officer, manager, or

1 paid consultant of a Texas trade association in the field of  
2 surveying [~~may not be a board member or an employee of the board who~~  
3 ~~is exempt from the state's position classification plan or is~~  
4 ~~compensated at or above the amount prescribed by the General~~  
5 ~~Appropriations Act for step 1, salary group A17, of the position~~  
6 ~~classification salary schedule].~~

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

12       SECTION 4. Subsection (a), Section 1071.054, Occupations  
13 Code, is amended to read as follows:

14       (a) Members of the board appointed by the governor serve  
15 staggered six-year terms, with the terms of approximately one-third  
16 of those members expiring on January 31 of each odd-numbered year.

17       SECTION 5. Subsections (a) and (c), Section 1071.056,  
18 Occupations Code, are amended to read as follows:

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

20               (1) does not have at the time of taking office  
21 [~~appointment~~] the qualifications required by Sections 1071.051 and  
22 1071.052;

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

25               (3) is ineligible for membership under Section  
26 1071.051, 1071.052, or [~~violates a prohibition established by~~  
27 ~~Section~~] 1071.053;

1 (4) cannot, because of illness or disability,  
2 discharge the member's duties for a substantial part of the member's  
3 term; or

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

8 (c) If the executive director has knowledge that a potential  
9 ground for removal exists, the executive director shall notify the  
10 presiding officer of the board of the potential ground. The  
11 presiding officer shall then notify the governor and the attorney  
12 general that a potential ground for removal exists. If the  
13 potential ground for removal involves the presiding officer, the  
14 executive director shall notify the next highest ranking officer of  
15 the board, who shall then notify the governor and the attorney  
16 general that a potential ground for removal exists.

17 SECTION 6. Subchapter B, Chapter 1071, Occupations Code, is  
18 amended by adding Section 1071.059 to read as follows:

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

24 (b) The training program must provide the person with  
25 information regarding:

26 (1) the legislation that created the board;

27 (2) the programs operated by the board;

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

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

4           (5) the current budget for the board;

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

7           (7) the requirements of:

8                   (A) the open meetings law, Chapter 551,  
9 Government Code;

10                   (B) the public information law, Chapter 552,  
11 Government Code;

12                   (C) the administrative procedure law, Chapter  
13 2001, Government Code; and

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

16           (8) any applicable ethics policies adopted by the  
17 board or the Texas Ethics Commission.

18           (c) A person appointed to the board is entitled to  
19 reimbursement, as provided by the General Appropriations Act, for  
20 the travel expenses incurred in attending the training program  
21 regardless of whether the attendance at the program occurs before  
22 or after the person qualifies for office.

23           SECTION 7. Section 1071.104, Occupations Code, is amended  
24 to read as follows:

25           Sec. 1071.104. REQUIREMENTS [QUALIFICATIONS] AND STANDARDS  
26 OF CONDUCT INFORMATION. The executive director or the executive  
27 director's designee [board] shall provide~~[, as often as necessary,]~~

1 to ~~[its]~~ members of the board and to board employees, as often as  
2 necessary, information regarding the requirements ~~[their:~~

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

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

7 SECTION 8. Section 1071.106, Occupations Code, is amended  
8 to read as follows:

9 Sec. 1071.106. EQUAL EMPLOYMENT OPPORTUNITY POLICY;  
10 REPORT. (a) The executive director or the executive director's  
11 designee shall prepare and maintain a written policy statement that  
12 implements a program ~~[to ensure implementation]~~ of ~~[an]~~ equal  
13 employment opportunity to ensure that ~~[program under which]~~ all  
14 personnel decisions ~~[transactions]~~ are made without regard to race,  
15 color, disability, sex, religion, age, or national origin. The  
16 policy statement must include:

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

22 (2) an ~~[a comprehensive]~~ analysis of the extent to  
23 which the composition of the board's personnel is in accordance  
24 with ~~[board workforce that meets federal and]~~ state and federal law  
25 and a description of reasonable methods to achieve compliance with  
26 state and federal law ~~[guidelines,~~

27 ~~(3) procedures by which a determination can be made~~

1 ~~of significant underuse in the board workforce of all persons for~~  
2 ~~whom federal or state guidelines encourage a more equitable~~  
3 ~~balance; and~~

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

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

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

8 ~~[-2-]] be updated [at least] annually;~~

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

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

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

16 SECTION 9. Subchapter C, Chapter 1071, Occupations Code, is  
17 amended by adding Section 1071.107 to read as follows:

18 Sec. 1071.107. INFORMATION ON STATE EMPLOYEE INCENTIVE  
19 PROGRAM. The executive director or the executive director's  
20 designee shall provide to board employees information and training  
21 on the benefits and methods of participation in the state employee  
22 incentive program under Subchapter B, Chapter 2108, Government  
23 Code.

24 SECTION 10. Section 1071.151, Occupations Code, is amended  
25 by adding Subsection (c) to read as follows:

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

1 SECTION 11. Subchapter D, Chapter 1071, Occupations Code,  
2 is amended by adding Section 1071.1515 to read as follows:

3 Sec. 1071.1515. RULES ON CONSEQUENCES OF CRIMINAL  
4 CONVICTION. The board shall adopt rules necessary to comply with  
5 Chapter 53.

6 SECTION 12. Subchapter D, Chapter 1071, Occupations Code,  
7 is amended by adding Sections 1071.1525, 1071.1526, and 1071.158 to  
8 read as follows:

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

12 (1) negotiated rulemaking procedures under Chapter  
13 2008, Government Code, for the adoption of board rules; and

14 (2) appropriate alternative dispute resolution  
15 procedures under Chapter 2009, Government Code, to assist in the  
16 resolution of internal and external disputes under the board's  
17 jurisdiction.

18 (b) The board's procedures relating to alternative dispute  
19 resolution must conform, to the extent possible, to any model  
20 guidelines issued by the State Office of Administrative Hearings  
21 regarding the use of alternative dispute resolution by state  
22 agencies.

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

24 (1) coordinate the implementation of the policy  
25 adopted under Subsection (a);

26 (2) serve as a resource for any training necessary for  
27 implementation of the negotiated rulemaking or alternative dispute



1 resolution procedures; and

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

4 Sec. 1071.1526. FEES. The board shall set fees in amounts  
5 reasonable and necessary to cover the costs of administering this  
6 chapter.

7 Sec. 1071.158. TECHNOLOGY POLICY. The board shall develop  
8 and implement a policy requiring the executive director and board  
9 employees to research and propose appropriate technological  
10 solutions to improve the board's ability to perform its functions.  
11 The technological solutions must:

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

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

16 (A) interact with the board through the Internet;  
17 and

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

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

22 SECTION 13. Section 1071.203, Occupations Code, is amended  
23 by adding Subsection (c) to read as follows:

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

26 SECTION 14. Section 1071.204, Occupations Code, is amended  
27 to read as follows:

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

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

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

7                   (3) the subject matter of the complaint;

8                   (4) the name of each person contacted in relation to  
9 the complaint;

10                   (5) a summary of the results of the review or  
11 investigation of the complaint; and

12                   (6) an explanation of the reason the file was closed,  
13 if the board closed the file without taking action other than to  
14 investigate the complaint.

15           (b) If a written complaint that the board has authority to  
16 resolve is filed with the board, the board shall provide to the  
17 person filing the complaint and to each person who is a subject of  
18 the complaint a copy of the board's policies and procedures  
19 relating to complaint investigation and resolution.

20           (c) The board, at least quarterly and until final  
21 disposition of the complaint, shall notify the person filing  
22 [parties to] the complaint and each person who is a subject of the  
23 complaint of the status of the investigation [complaint] unless the  
24 notice would jeopardize an undercover investigation.

25           (d) Except as provided by Subsection (e), a complaint filed  
26 with the board is public information.

27           (e) A frivolous complaint is public information, except

1 that the license holder's name and other personal information shall  
2 be redacted.

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

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

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

8 SECTION 15. Subsection (b), Section 1071.252, Occupations  
9 Code, is amended to read as follows:

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

19 SECTION 16. Section 1071.257, Occupations Code, is amended  
20 to read as follows:

21 Sec. 1071.257. EXAMINATION RESULTS. (a) Not later than  
22 the 30th day after the date a person takes a licensing examination,  
23 the [The] board shall notify the person [each examinee] of the  
24 [examination] results of the [not later than the 30th day after the  
25 date the board receives notice of all] examination [results].

26 (b) If the examination is graded or reviewed by a testing  
27 service:

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

4           (2) if notice of the examination results will be  
5 delayed for longer than 90 days after the examination date, the  
6 board shall notify the person of the reason for the delay before the  
7 90th day.

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

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

16           SECTION 17. Section 1071.258, Occupations Code, is amended  
17 to read as follows:

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

22           SECTION 18. Subsection (b), Section 1071.259, Occupations  
23 Code, is amended to read as follows:

24           (b) The board may issue a certificate of registration as a  
25 registered professional land surveyor to an applicant under this  
26 section who meets all waived and unwaived registration requirements  
27 and who:

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

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

5           (3) passes an examination on Texas surveying.

6           SECTION 19. Section 1071.262, Occupations Code, is amended  
7 to read as follows:

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

13           SECTION 20. Subsection (b), Section 1071.263, Occupations  
14 Code, is amended to read as follows:

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

17           SECTION 21. Subsection (a), Section 1071.301, Occupations  
18 Code, is amended to read as follows:

19           (a) The board by rule may adopt a system under which  
20 certificates of registration and licenses expire on various dates  
21 during the year. For the year in which the [A] certificate [~~of~~  
22 registration] or [a] license expiration date is changed, the board  
23 shall prorate certificate and license fees on a monthly basis so  
24 that each certificate or license holder pays only that portion of  
25 the certificate or license fee that is allocable to the number of  
26 months during which the certificate or license is valid. On renewal  
27 of the certificate or license on the new expiration date, the total

1 certificate or license renewal fee is payable [~~issued under this~~  
2 ~~chapter expires on December 31 of each year or on a date set by board~~  
3 ~~rule as part of a staggered renewal system~~].

4 SECTION 22. Section 1071.302, Occupations Code, is amended  
5 to read as follows:

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

12 SECTION 23. Section 1071.303, Occupations Code, is amended  
13 to read as follows:

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

22 (b) A person whose certificate or license has been expired  
23 for 90 days or less may renew the certificate or license by paying  
24 to the board a [~~the required~~] renewal fee [~~and a fee~~] that is equal  
25 to 1-1/2 times the normally required renewal [~~half of the amount of~~  
26 ~~the examination~~] fee [~~for the certificate or license~~].

27 (c) A person whose certificate or license has been expired

1 for more than 90 days but less than one year may renew the  
2 certificate or license by paying to the board a [all-unpaid] renewal  
3 ~~[fees and a]~~ fee that is equal to two times the normally required  
4 renewal ~~[the amount of the examination]~~ fee ~~[for the certificate or~~  
5 ~~license]~~.

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

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

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

21 (a) The board shall revoke, ~~[or]~~ suspend, or refuse to renew  
22 a certificate of registration or license, place on probation a  
23 person whose certificate or license has been suspended, or  
24 reprimand a registration holder or license holder for:

25 (1) fraud or deceit in obtaining a certificate or  
26 license under this chapter;

27 (2) gross negligence, incompetence, or misconduct in

1 the practice of surveying as a land surveyor; or

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

3 SECTION 25. Section 1071.402, Occupations Code, is amended  
4 by amending Subsection (b) and adding Subsections (c) through (g)  
5 to read as follows:

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

12 (c) A board employee investigating an alleged violation  
13 may:

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

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

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

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

23 (f) The board may appoint a subcommittee of the board that  
24 includes at least one board member who represents the public to  
25 assist in an investigation. A member of a subcommittee or a member  
26 of the board who consults with board personnel or an investigator on  
27 a complaint may not vote at a board disciplinary hearing related to



1 the complaint.

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

7 SECTION 26. Subchapter I, Chapter 1071, Occupations Code,  
8 is amended by adding Section 1071.4035 to read as follows:

9 Sec. 1071.4035. INFORMAL SETTLEMENT CONFERENCE;  
10 RESTITUTION. (a) The board by rule shall establish guidelines for  
11 an informal settlement conference related to a complaint filed with  
12 the board.

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

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

23 SECTION 27. Section 1071.404, Occupations Code, is amended  
24 to read as follows:

25 Sec. 1071.404. PROBATION. (a) The board may require a  
26 person whose certificate of registration or license suspension is  
27 probated to:

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

3 (2) limit practice to the areas prescribed by the  
4 board; or

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

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

10 SECTION 28. Section 1071.452, Occupations Code, is amended  
11 by adding Subsection (c) to read as follows:

12 (c) The board by rule shall adopt an administrative penalty  
13 schedule for violations of this chapter or board rules to ensure  
14 that the amounts of penalties imposed are appropriate to the  
15 violation.

16 SECTION 29. Chapter 1071, Occupations Code, is amended by  
17 adding Subchapter L to read as follows:

18 SUBCHAPTER L. EXAMINATION ADVISORY COMMITTEES

19 Sec. 1071.551. EXAMINATION ADVISORY COMMITTEES. The board  
20 may establish examination advisory committees to assist the board  
21 in developing each examination required by this chapter.

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

23 (1) establish the purpose, role, responsibility, and  
24 goals of an examination advisory committee;

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

27 (3) determine the qualifications of an examination

1 advisory committee member, which may include experience and  
2 geographic location requirements;

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

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

7 (6) determine the training requirements for an  
8 examination advisory committee member.

9 (b) The board by rule shall define the examination  
10 development process under this chapter, including the board's  
11 interaction with the examination advisory committees during the  
12 process.

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

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

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

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

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

27 (b) Section 2110.002(b), Government Code, does not apply to

1 the appointment of examination advisory committee members.

2 Sec. 1071.556. EXAMINATION ADVISORY COMMITTEE DUTIES. An  
3 examination advisory committee shall:

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

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

7 SECTION 30. (a) Not later than January 1, 2004, the Texas  
8 Board of Professional Land Surveying shall:

9 (1) adopt the rules required by Sections 1071.1515 and  
10 1071.4035, Occupations Code, as added by this Act; and

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

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

15 (1) adopt the written guidelines required by Section  
16 1071.404, Occupations Code, as amended by this Act; and

17 (2) adopt the administrative penalty schedule  
18 required by Subsection (c), Section 1071.452, Occupations Code, as  
19 added by this Act.

20 SECTION 31. (a) In accordance with Subsection (c), Section  
21 311.031, Government Code, which gives effect to a substantive  
22 amendment enacted by the same legislature that codifies the amended  
23 statute, the text of Section 1071.258, Occupations Code, as set out  
24 in Section 17 of this Act, gives effect to changes made by Chapter  
25 594, Acts of the 77th Legislature, Regular Session, 2001.

26 (b) To the extent of any conflict, this Act prevails over  
27 another Act of the 78th Legislature, Regular Session, 2003,

1 relating to nonsubstantive additions to and corrections in enacted  
2 codes.

3 SECTION 32. (a) A rule adopted by the Texas Board of  
4 Professional Land Surveying applicable to Chapter 1071,  
5 Occupations Code, that is in effect on the effective date of this  
6 Act shall remain in effect as a rule of the Texas Board of  
7 Professional Land Surveying until superseded by a new rule adopted  
8 by the Texas Board of Professional Land Surveying.

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

19 (c) The change in law made by this Act to Chapter 1071,  
20 Occupations Code, relating to the investigation of a complaint  
21 applies only to a complaint filed with the Texas Board of  
22 Professional Land Surveying on or after the effective date of this  
23 Act. A complaint filed with the board before the effective date of  
24 this Act is governed by the law as it existed immediately before  
25 that date, and the former law is continued in effect for that  
26 purpose.

27 (d) Of the four positions on the Texas Board of Professional

1 Land Surveying held by registered professional land surveyor  
2 members, one of the positions is abolished on September 1, 2003. On  
3 or before September 1, 2003, the four members who hold those  
4 positions shall determine by unanimous agreement or by lot which of  
5 the four positions is abolished on September 1, 2003, and shall  
6 inform the president of the board of that determination.

7 SECTION 33. This Act takes effect September 1, 2003.