

SENATE AMENDMENTS

2nd Printing

By: Smith of Harris

H.B. No. 899

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the operation and functions of the Texas Board of
3 Professional Engineers and the regulation of the practice of
4 engineering.

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

6 SECTION 1. Section 1001.107, Occupations Code, is amended
7 to read as follows:

8 Sec. 1001.107. PER DIEM[~~, REIMBURSEMENT~~]. [~~(a)~~] A board
9 member is entitled to receive a per diem as set by the General
10 Appropriations Act for each day that the member engages in the
11 business of the board.

12 [~~(b) A board member may not receive reimbursement for travel~~
13 ~~expenses, including expenses for meals and lodging, other than~~
14 ~~transportation expenses. A member is entitled to reimbursement for~~
15 ~~transportation expenses as provided by the General Appropriations~~
16 ~~Act.~~]

17 SECTION 2. Section 1001.108, Occupations Code, is amended
18 to read as follows:

19 Sec. 1001.108. OFFICERS. The governor shall designate a
20 member of the board as the presiding officer of the board to serve
21 in that capacity at the will of the governor. The board shall elect
22 annually from its members an assistant presiding officer, a
23 treasurer, and a secretary.

24 SECTION 3. Section 1001.109, Occupations Code, is amended

1 to read as follows:

2 Sec. 1001.109. BOARD TREASURER'S [~~SECRETARY'S~~] DUTIES AND
3 SALARY. (a) [~~(b)~~] The treasurer [~~secretary~~] shall receive and
4 account for all money received under this chapter.

5 (b) [~~(c)~~] The treasurer [~~secretary~~] is entitled to a salary
6 as determined by the board in addition to compensation and expenses
7 provided for in this subchapter. The salary may not exceed the
8 salary paid for similar work in other departments.

9 SECTION 4. Section 1001.206(c), Occupations Code, is
10 amended to read as follows:

11 (c) The fee increase imposed by Subsection (a) does not
12 apply to an engineer who:

13 (1) meets the qualifications for an exemption under
14 Section 1001.057 or 1001.058 but does not claim that exemption;

15 (2) is disabled as described by Section 1001.205; [~~or~~]

16 (3) is on inactive status as provided by Section
17 1001.355; or

18 (4) is 65 years of age or older.

19 SECTION 5. Section 1001.306, Occupations Code, is amended
20 by adding Subsection (d) to read as follows:

21 (d) Examination results reported under this section must
22 include a numerical score and an indication of whether the person
23 passed or failed the examination.

24 SECTION 6. Section 1001.401, Occupations Code, is amended
25 by adding Subsection (d) to read as follows:

26 (d) A license holder is not required to use a seal under this
27 section for a project for which the license holder is not required

1 to hold a license under an exemption provided by Subchapter B.

2 SECTION 7. Section 1001.4527(a), Occupations Code, is
3 amended to read as follows:

4 (a) A board member who participated in the investigation of
5 a complaint or in informal settlement negotiations regarding the
6 complaint:

7 (1) may not [~~participate in the discussion of or~~] vote
8 on the matter at a board meeting related to the complaint; and

9 (2) shall state at the meeting why the member is
10 prohibited from [~~participating in the discussion of or~~] voting on
11 the matter.

12 SECTION 8. The change in law made by this Act to Section
13 1001.206(c), Occupations Code, applies only to an application for a
14 license, the renewal of a license, or a reciprocal license filed on
15 or after the effective date of this Act. An application filed before
16 the effective date of this Act is governed by the law in effect on
17 the date the application is filed, and the former law is continued
18 in effect for that purpose.

19 SECTION 9. This Act takes effect September 1, 2007.

ADOPTED

MAY 01 2007

Lataj Spaul
Secretary of the Senate

By: Smith, Wayne/Dewell

H.B. No. 899

Substitute the following for H.B. No. 899:

By: Adre Lucio, Jr

C.S. H.B. No. 899

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11 business of the board.

12 [~~(b) A board member may not receive reimbursement for travel~~
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18 to read as follows:

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20 member of the board as the presiding officer of the board to serve
21 in that capacity at the will of the governor. The board shall elect
22 annually from its members an assistant presiding officer, a
23 treasurer, and a secretary.

24 SECTION 3. Section 1001.206(c), Occupations Code, is

1 amended to read as follows:

2 (c) The fee increase imposed by Subsection (a) does not
3 apply to an engineer who:

4 (1) meets the qualifications for an exemption under
5 Section 1001.057 or 1001.058 but does not claim that exemption;

6 (2) is disabled as described by Section 1001.205; ~~[or]~~

7 (3) is on inactive status as provided by Section
8 1001.355; or

9 (4) is 65 years of age or older.

10 SECTION 4. Section 1001.306, Occupations Code, is amended
11 by adding Subsection (d) to read as follows:

12 (d) Examination results reported under this section must
13 include a numerical score and an indication of whether the person
14 passed or failed the examination.

15 SECTION 5. Section 1001.355(a), Occupations Code, is
16 amended to read as follows:

17 (a) An engineer may request inactive status at any time
18 ~~[before the expiration date of the person's license]~~. A license
19 holder on inactive status may not practice engineering.

20 SECTION 6. Section 1001.401, Occupations Code, is amended
21 by adding Subsection (d) to read as follows:

22 (d) A license holder is not required to use a seal under this
23 section for a project for which the license holder is not required
24 to hold a license under an exemption provided by Subchapter B.

25 SECTION 7. Section 1001.4527(a), Occupations Code, is
26 amended to read as follows:

27 (a) A board member who participated in the investigation of

1 a complaint or in informal settlement negotiations regarding the
2 complaint:

3 (1) may not [~~participate in the discussion of or~~] vote
4 on the matter at a board meeting related to the complaint; and

5 (2) shall state at the meeting why the member is
6 prohibited from [~~participating in the discussion of or~~] voting on
7 the matter.

8 SECTION 8. Section 1001.109, Occupations Code, is repealed.

9 SECTION 9. The change in law made by this Act to Section
10 1001.206(c), Occupations Code, applies only to an application for a
11 license, the renewal of a license, or a reciprocal license filed on
12 or after the effective date of this Act. An application filed before
13 the effective date of this Act is governed by the law in effect on
14 the date the application is filed, and the former law is continued
15 in effect for that purpose.

16 SECTION 10. This Act takes effect September 1, 2007.

ADOPTED

MAY 01 2007

Leta Spaul
Secretary of the Senate

FLOOR AMENDMENT NO. 1

BY: *J. Zell*

1 Amend H.B. No. 899 (Senate Committee Printing) by adding the
2 following appropriately numbered SECTION to the bill and
3 renumbering existing SECTIONS accordingly:

4 SECTION ____ . Section 1001.003(c), Occupations Code, is
5 amended to read as follows:

6 (c) The practice of engineering includes:

7 (1) consultation, investigation, evaluation,
8 analysis, planning, engineering for program management, providing
9 an expert engineering opinion or testimony, engineering for testing
10 or evaluating materials for construction or other engineering use,
11 and mapping;

12 (2) design, conceptual design, or [~~conceptual~~] design
13 coordination of engineering works or systems, including buildings
14 and related structures;

15 (3) development or optimization of plans and
16 specifications for engineering works or systems;

17 (4) planning the use or alteration of land or water or
18 the design or analysis of works or systems for the use or alteration
19 of land or water;

20 (5) responsible charge of engineering teaching or the
21 teaching of engineering;

22 (6) performing an engineering survey or study;

23 (7) engineering for construction, alteration, or
24 repair of real property;

25 (8) engineering for preparation of an operating or
26 maintenance manual;

27 (9) engineering for review of the construction or
28 installation of engineered works to monitor compliance with
29 drawings or specifications;

- 1 (10) a service, design, analysis, or other work
2 performed for a public or private entity in connection with a
3 utility, structure, building, machine, equipment, process, system,
4 work, project, or industrial or consumer product or equipment of a
5 mechanical, electrical, electronic, chemical, hydraulic,
6 pneumatic, geotechnical, or thermal nature;
- 7 (11) providing an engineering opinion or analysis
8 related to a certificate of merit under Chapter 150, Civil Practice
9 and Remedies Code; or
- 10 (12) any other professional service necessary for the
11 planning, progress, or completion of an engineering service.

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 26, 2007

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

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

IN RE: **HB899** by Smith, Wayne (Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.), **Committee Report 2nd House, Substituted**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 460 Board of Professional Engineers

LBB Staff: JOB, JRO, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

April 17, 2007

TO: Honorable Troy Fraser, Chair, Senate Committee on Business & Commerce

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

IN RE: **HB899** by Smith, Wayne (Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.), **As Engrossed**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 460 Board of Professional Engineers

LBB Staff: JOB, DB, JRO, MW

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 80TH LEGISLATIVE REGULAR SESSION

February 23, 2007

TO: Honorable Kino Flores, Chair, House Committee on Licensing & Administrative Procedures

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

IN RE: HB899 by Smith, Wayne (Relating to the operation and functions of the Texas Board of Professional Engineers and the regulation of the practice of engineering.), **As Introduced**

No fiscal implication to the State is anticipated.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 460 Board of Professional Engineers

LBB Staff: JOB, JRO, MW

