

Amend CSSB 655 by adding the following appropriately numbered SECTIONS to the bill and renumbering subsequent SECTIONS accordingly:

SECTION \_\_\_\_\_. Section 1101.002, Occupations Code, is amended by adding Subdivision (3-a) to read as follows:

(3-a) "Landman" means a person who, in the course and scope of the person's business:

(A) acquires or manages petroleum, natural gas, or mineral interests;

(B) performs title or contract functions related to the exploration, exploitation, or disposition of petroleum, natural gas, or mineral interests;

(C) negotiates for the acquisition or divestiture of petroleum, natural gas, or mineral rights, including the acquisition or divestiture of land or petroleum, natural gas, or mineral rights for a pipeline; or

(D) negotiates business agreements that provide for the exploration for or development of petroleum, natural gas, or minerals.

SECTION \_\_\_\_\_. Section 1101.005, Occupations Code, is amended to read as follows:

Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter does not apply to:

(1) an attorney licensed in any state;

(2) an attorney-in-fact authorized under a power of attorney to conduct a real estate transaction;

(3) a public official while engaged in official duties;

(4) an auctioneer licensed under Chapter 1802 while conducting the sale of real estate by auction if the auctioneer does not perform another act of a broker or salesperson;

(5) a person conducting a real estate transaction under a court order or the authority of a will or written trust instrument;

(6) a person employed by an owner in the sale of structures and land on which structures are located if the structures are erected by the owner in the course of the owner's

business;

(7) an on-site manager of an apartment complex;

(8) an owner or the owner's employee who leases the owner's improved or unimproved real estate;

(9) a partnership or limited liability partnership acting as a broker or salesperson through a partner who is a licensed broker; or

(10) a transaction involving:

(A) the sale, lease, or transfer of a mineral or mining interest in real property subject to Section 1101.3515;

(B) the sale, lease, or transfer of a cemetery lot;

(C) the lease or management of a hotel or motel; or

(D) the sale of real property under a power of sale conferred by a deed of trust or other contract lien.

SECTION \_\_\_\_\_. Subchapter H, Chapter 1101, Occupations Code, is amended by adding Section 1101.3515 to read as follows:

Sec. 1101.3515. LANDMAN LICENSE REQUIRED. (a) A person may not act as or represent that the person is a landman in this state unless the person holds a landman license under this chapter.

(b) An applicant for a landman license shall submit an application to the commission on the form prescribed by the commission, pay the fee established by commission rule, and comply with any other requirements established by commission rule, including eligibility and examination requirements. An applicant for a landman license may not act as a landman until the person receives a license issued by the commission.

(c) To protect the public, the commission by rule shall:

(1) establish the eligibility requirements for a landman license holder, including education, experience, and examination requirements as appropriate;

(2) establish the moral character requirements, including honesty, trustworthiness, and integrity, an applicant or license holder must satisfy to hold a landman license;

(3) establish the form and procedures for applying for a landman license;

- (4) set the application and license fees;
- (5) establish the term of the license and renewal procedures and fees;
- (6) establish continuing education requirements;
- (7) determine the scope of practice by a landman license holder; and
- (8) require a landman license holder to comply with the standards of conduct and ethics established by the commission for a person licensed under this chapter.

(d) A landman license is valid for the term established by commission rule. A landman may renew a landman license by submitting a renewal application to the commission on the form prescribed by the commission, paying the required renewal fee, and complying with any other requirements established by commission rule, including continuing education requirements.

(e) A licensed landman or person required to be licensed as a landman who violates this chapter or rules adopted under this chapter is subject to disciplinary action under this chapter.

SECTION \_\_\_\_\_. (a) The Texas Real Estate Commission shall work cooperatively with the Railroad Commission of Texas to adopt the rules necessary to implement Section 1101.3515, Occupations Code, as added by this Act. The Texas Real Estate Commission shall adopt the rules not later than January 1, 2012.

(b) Notwithstanding Section 1101.3515, Occupations Code, as added by this Act, a person is not required to hold a landman license to act as a landman in this state until March 1, 2012.