

By: Geren

H.B. No. 2480

A BILL TO BE ENTITLED

AN ACT

relating to the licensing and regulation of geoscientists by the Texas Board of Professional Engineers, the regulation and licensing of land surveyors by the Texas Board of Architectural Examiners, and the abolition of the Texas Board of Professional Geoscientists and the Texas Board of Professional Land Surveying.

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

ARTICLE 1. REGULATION OF ENGINEERING AND GEOSCIENCE

SECTION 1.01. Section 1001.101(a), Occupations Code, is amended to read as follows:

(a) The Texas Board of Professional Engineers consists of 15 ~~nine~~ members appointed by the governor with the advice and consent of the senate as follows:

(1) six engineers; ~~and~~

(2) five geoscientists licensed under Chapter 1002;  
and

(3) four ~~three~~ members who represent the public.

SECTION 1.02. Section 1001.102(a), Occupations Code, is amended to read as follows:

(a) A person may not be a public member of the board if the person or the person's spouse:

(1) is registered, certified, or licensed by a regulatory agency in the field of engineering or geoscience;

(2) is employed by or participates in the management

1 of a business entity or other organization regulated by or  
2 receiving money from the board;

3 (3) owns or controls, directly or indirectly, more  
4 than a 10 percent interest in a business entity or other  
5 organization regulated by or receiving money from the board; or

6 (4) uses or receives a substantial amount of tangible  
7 goods, services, or money from the board other than compensation or  
8 reimbursement authorized by law for board membership, attendance,  
9 or expenses.

10 SECTION 1.03. Section 1001.103(a-1), Occupations Code, is  
11 amended to read as follows:

12 (a-1) A person may not be a member of the board and may not  
13 be a board employee employed in a "bona fide executive,  
14 administrative, or professional capacity," as that phrase is used  
15 for purposes of establishing an exemption to the overtime  
16 provisions of the federal Fair Labor Standards Act of 1938 (29  
17 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

18 (1) the person is an officer, employee, or paid  
19 consultant of a Texas trade association in the field of engineering  
20 or geoscience; or

21 (2) the person's spouse is an officer, manager, or paid  
22 consultant of a Texas trade association in the field of engineering  
23 or geoscience.

24 SECTION 1.04. Section 1001.201, Occupations Code, is  
25 amended to read as follows:

26 Sec. 1001.201. GENERAL POWERS AND DUTIES. (a) The board  
27 shall administer and enforce this subtitle [~~chapter~~].

(b) The board may spend money for any purpose the board considers reasonably necessary for the proper performance of its duties under this subtitle [~~chapter~~].

SECTION 1.05. Section 1001.202, Occupations Code, is amended to read as follows:

Sec. 1001.202. RULES. The board may adopt and enforce any rule or bylaw necessary to perform its duties, govern its proceedings, and regulate the practice of engineering and geoscience.

SECTION 1.06. Section 1001.204, Occupations Code, is amended to read as follows:

Sec. 1001.204. FEES. (a) The board shall establish the following fees in amounts reasonable and necessary to cover the costs of administering this subtitle [~~chapter~~]:

- (1) license fee;
- (2) annual and late renewal fees;
- (3) reciprocal license fee;
- (4) duplicate license fee;
- (5) engineer-in-training certificate fee;
- (6) roster of engineers and roster of geoscientists fees [~~fee~~];
- (7) examination fee;
- (8) registration fee for engineering firm; and
- (9) inactive status fee.

(b) Fee revenue may not exceed the amount reasonable and necessary to administer this subtitle [~~chapter~~].

(c) General revenue of the state may not be used to pay the

costs of administering this subtitle [~~chapter~~] in an amount that exceeds the amount of fees received under this subtitle [~~chapter~~].

SECTION 1.07. Section 1001.207, Occupations Code, is amended to read as follows:

Sec. 1001.207. STANDARDS OF CONDUCT AND ETHICS. The board may establish standards of conduct and ethics for engineers and geoscientists in keeping with the purposes and intent of this subtitle [~~chapter~~] and to ensure strict compliance with and enforcement of this subtitle [~~chapter~~].

SECTION 1.08. Section 1001.212(a), Occupations Code, is amended to read as follows:

(a) A statement made by a person providing a reference for an applicant and other pertinent information compiled by or submitted to the board relating to an applicant for a license under this subtitle [~~chapter~~] is privileged and confidential.

SECTION 1.09. Section 1001.213(a), Occupations Code, is amended to read as follows:

(a) The board may request and, if necessary, compel by subpoena:

(1) the attendance of a witness for examination under oath; and

(2) the production for inspection or copying of records, documents, and other evidence relevant to the investigation of an alleged violation of this subtitle [~~chapter~~].

SECTION 1.10. Sections 1001.252(a) and (i), Occupations Code, are amended to read as follows:

(a) The board shall adopt rules that permit the board to

1 receive and investigate a confidential complaint against a license  
2 holder or other person who may have violated this subtitle  
3 ~~[chapter]~~. The board shall maintain the confidentiality of the  
4 complaint during the investigation.

5 (i) The board may employ or contract with advisors,  
6 consultants, engineers, geoscientists, or other persons to provide  
7 technical assistance in investigations and disciplinary  
8 proceedings. Except for an action involving fraud, conspiracy, or  
9 malice, a person whose services are obtained by the board under this  
10 subsection is immune from civil liability and may not be subjected  
11 to a suit for damages for any investigation, report,  
12 recommendation, statement, evaluation, finding made, or other  
13 action taken in the course of performing the person's official  
14 duties.

15 SECTION 1.11. Section 1002.002(1), Occupations Code, is  
16 amended to read as follows:

17 (1) "Board" means the Texas Board of Professional  
18 Engineers ~~[Geoscientists]~~.

19 SECTION 1.12. Section 1002.004(j), Occupations Code, is  
20 amended to read as follows:

21 (j) The board ~~[and the Texas Board of Professional~~  
22 ~~Engineers]~~ by rule, memorandum of understanding, or other  
23 appropriate procedure or document shall ~~[jointly]~~ resolve any  
24 conflict between this chapter or a rule adopted under this chapter  
25 and Chapter 1001 or a rule adopted under that chapter.

26 ARTICLE 2. REGULATION OF ARCHITECTS AND LAND SURVEYORS

27 SECTION 2.01. The heading to Chapter 1051, Occupations

Code, is amended to read as follows:

CHAPTER 1051. TEXAS BOARD OF ARCHITECTURAL EXAMINERS; GENERAL  
PROVISIONS AFFECTING ARCHITECTS, LANDSCAPE ARCHITECTS, ~~[AND]~~  
INTERIOR DESIGNERS, AND LAND SURVEYORS; PROVISIONS AFFECTING ONLY  
ARCHITECTS

SECTION 2.02. Section 1051.101(a), Occupations Code, is  
amended to read as follows:

(a) The Texas Board of Architectural Examiners consists of  
11 ~~[nine]~~ members appointed by the governor with the advice and  
consent of the senate as follows:

(1) four architect members registered under this  
chapter;

(2) one interior designer member registered under  
Chapter 1053;

(3) one landscape architect member registered under  
Chapter 1052; ~~[and]~~

(4) two land surveyors licensed under Chapter 1071;  
and

(5) three members who represent the public, at least  
one of whom is a person with a physical disability.

SECTION 2.03. Section 1051.102, Occupations Code, is  
amended to read as follows:

Sec. 1051.102. ELIGIBILITY OF PUBLIC MEMBERS. A person is  
not eligible for appointment as a public member of the board if the  
person or the person's spouse:

(1) is registered, certified, or licensed by an  
occupational regulatory agency in the field of architecture,

1 interior design, [~~or~~] landscape architecture, or land surveying;

2 (2) is employed by or participates in the management  
3 of a business entity or other organization regulated by the board or  
4 receiving funds from the board;

5 (3) owns or controls, directly or indirectly, more  
6 than a 10 percent interest in a business entity or other  
7 organization regulated by the board or receiving funds from the  
8 board; or

9 (4) uses or receives a substantial amount of tangible  
10 goods, services, or funds from the board, other than compensation  
11 or reimbursement authorized by law for board membership,  
12 attendance, or expenses.

13 SECTION 2.04. Section 1051.103(b), Occupations Code, is  
14 amended to read as follows:

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

21 (1) the person is an officer, employee, or paid  
22 consultant of a Texas trade association in the field of  
23 architecture, interior design, [~~or~~] landscape architecture, or  
24 land surveying; or

25 (2) the person's spouse is an officer, manager, or paid  
26 consultant of a Texas trade association in the field of  
27 architecture, interior design, [~~or~~] landscape architecture, or

1 land surveying.

2 SECTION 2.05. Section 1051.104(a), Occupations Code, is  
3 amended to read as follows:

4 (a) Board members serve staggered six-year terms. The terms  
5 of three or four members, as appropriate, expire on January 31 of  
6 each odd-numbered year.

7 SECTION 2.06. Section 1051.201, Occupations Code, is  
8 amended to read as follows:

9 Sec. 1051.201. SCOPE OF ADMINISTRATIVE AUTHORITY. The  
10 powers granted and duties delegated to the board under this chapter  
11 are in addition to the powers granted and duties delegated to the  
12 board under Chapters 1052, ~~[and]~~ 1053, and 1071.

13 SECTION 2.07. Section 1051.202, Occupations Code, is  
14 amended to read as follows:

15 Sec. 1051.202. GENERAL RULEMAKING AUTHORITY. The board  
16 shall adopt reasonable rules and bylaws and prescribe forms as  
17 necessary to administer or enforce this subtitle and Subtitle C,  
18 including rules regulating the practices of architecture,  
19 landscape architecture, ~~[and]~~ interior design, and land surveying.

20 SECTION 2.08. Section 1051.204(a), Occupations Code, is  
21 amended to read as follows:

22 (a) The board may request and, if necessary, compel by  
23 subpoena:

24 (1) the attendance of witnesses for examination under  
25 oath; and

26 (2) the production for inspection or copying of  
27 records, documents, and other evidence relevant to the



investigation of an alleged violation of this subtitle or Subtitle C.

SECTION 2.09. Section 1051.209, Occupations Code, is amended to read as follows:

Sec. 1051.209. ATTORNEY GENERAL AS LEGAL ADVISOR. The attorney general shall act as legal advisor to the board and shall provide legal assistance to enforce this subtitle and Subtitle C. This section does not relieve a local prosecuting attorney of any duty under the law.

SECTION 2.10. Section 1071.002(1), Occupations Code, is amended to read as follows:

(1) "Board" means the Texas Board of Architectural Examiners [~~Professional Land Surveying~~].

#### ARTICLE 3. CONFORMING AMENDMENTS

SECTION 3.01. Section 411.122(d), Government Code, as amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009, is reenacted and amended to read as follows:

(d) The following state agencies are subject to this section:

- (1) Texas Appraiser Licensing and Certification Board;
- (2) Texas Board of Architectural Examiners;
- (3) Texas Board of Chiropractic Examiners;
- (4) State Board of Dental Examiners;
- (5) Texas Board of Professional Engineers;
- (6) Texas Funeral Service Commission;

1           (7) ~~[Texas Board of Professional Geoscientists,~~  
2           ~~[(8)]~~ Department of State Health Services, except as  
3 provided by Section 411.110, and agencies attached to the  
4 department, including:

5                   (A) Texas State Board of Examiners of Dietitians;

6                   (B) Texas State Board of Examiners of Marriage  
7 and Family Therapists;

8                   (C) Midwifery Board;

9                   (D) Texas State Perfusionist Advisory Committee;

10                  (E) Texas State Board of Examiners of  
11 Professional Counselors;

12                  (F) Texas State Board of Social Worker Examiners;

13                  (G) State Board of Examiners for Speech-Language  
14 Pathology and Audiology;

15                  (H) Advisory Board of Athletic Trainers;

16                  (I) State Committee of Examiners in the Fitting  
17 and Dispensing of Hearing Instruments;

18                  (J) Texas Board of Licensure for Professional  
19 Medical Physicists; and

20                  (K) Texas Board of Orthotics and Prosthetics;

21           (8) ~~[(9)] Texas Board of Professional Land Surveying,~~

22           ~~[(10)]~~ Texas Department of Licensing and Regulation,  
23 except as provided by Section 411.093;

24           (9) ~~[(11)]~~ Texas Commission on Environmental Quality;

25           (10) ~~[(12)]~~ Texas Board of Occupational Therapy  
26 Examiners;

27           (11) ~~[(13)]~~ Texas Optometry Board;

1           (12) [~~(14)~~]   Texas State Board of Pharmacy;  
2           (13) [~~(15)~~]   Texas     Board     of     Physical     Therapy  
3   Examiners;  
4           (14) [~~(16)~~]   Texas State Board of Plumbing Examiners;  
5           (15) [~~(17)~~]   Texas State Board of Podiatric Medical  
6   Examiners;  
7           (16) [~~(18)~~]   Texas     State     Board     of     Examiners     of  
8   Psychologists;  
9           (17) [~~(19)~~]   Texas Real Estate Commission;  
10          (18) [~~(20)~~]   Texas Department of Transportation;  
11          (19) [~~(21)~~]   State     Board     of     Veterinary     Medical  
12   Examiners;  
13          (20) [~~(22)~~]   Texas Department of Housing and Community  
14   Affairs;  
15          (21) [~~(23)~~]   secretary of state;  
16          (22) [~~(24)~~]   state fire marshal;  
17          (23) [~~(25)~~]   Texas Education Agency;  
18          (24) [~~(26)~~]   Department of Agriculture; and  
19          (25) [~~(27)~~]   Texas Department of Motor Vehicles.

20           SECTION 3.02.   Section 2054.352(a), Government Code, as  
21   amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the  
22   81st Legislature, Regular Session, 2009, is reenacted and amended  
23   to read as follows:

24           (a)   The following licensing entities shall participate in  
25   the system established under Section 2054.353:

26               (1)   Texas Board of Chiropractic Examiners;  
27               (2)   Court Reporters Certification Board;

1           (3)   State Board of Dental Examiners;  
2           (4)   Texas Funeral Service Commission;  
3           (5)   ~~[Texas Board of Professional Land Surveying,~~  
4           ~~(6)]~~   Texas Medical Board;  
5           (6) ~~[(7)]~~   Texas Board of Nursing;  
6           (7) ~~[(8)]~~   Texas Optometry Board;  
7           (8) ~~[(9)]~~   Department of Agriculture, for licenses  
8 issued under Chapter 1951, Occupations Code;  
9           (9) ~~[(10)]~~   Texas State Board of Pharmacy;  
10           (10) ~~[(11)]~~   Executive Council of Physical Therapy and  
11 Occupational Therapy Examiners;  
12           (11) ~~[(12)]~~   Texas State Board of Plumbing Examiners;  
13           (12) ~~[(13)]~~   Texas State Board of Podiatric Medical  
14 Examiners;  
15           (13) ~~[(14)]~~   Texas State Board of Examiners of  
16 Psychologists;  
17           (14) ~~[(15)]~~   State Board of Veterinary Medical  
18 Examiners;  
19           (15) ~~[(16)]~~   Texas Real Estate Commission;  
20           (16) ~~[(17)]~~   Texas Appraiser Licensing and  
21 Certification Board;  
22           (17) ~~[(18)]~~   Texas Department of Licensing and  
23 Regulation;  
24           (18) ~~[(19)]~~   Texas State Board of Public Accountancy;  
25           (19) ~~[(20)]~~   State Board for Educator Certification;  
26           (20) ~~[(21)]~~   Texas Board of Professional Engineers;  
27           (21) ~~[(22)]~~   Department of State Health Services;

1           (22) [~~(23)~~] Texas Board of Architectural Examiners;  
2           (23) [~~(24)~~] Texas Racing Commission;  
3           (24) [~~(25)~~] Commission on Law Enforcement Officer  
4 Standards and Education; and  
5           (25) [~~(26)~~] Texas Private Security Board.

6           SECTION 3.03. Section 89.023(a), Natural Resources Code, is  
7 amended to read as follows:

8           (a) The commission may grant an extension of the deadline  
9 for plugging an inactive well if the operator maintains a current  
10 organization report with the commission as required by Section  
11 91.142 and if, on or before the date of renewal of the operator's  
12 organization report as required by that section, the operator files  
13 with the commission an application for an extension that includes:

14                   (1) an affirmation that complies with Section 89.029;  
15                   (2) a statement that the well and associated  
16 facilities are in compliance with all commission rules and orders;  
17                   (3) a statement that the operator has, and on request  
18 will provide, evidence of a good faith claim to a continuing right  
19 to operate the well; and

20                   (4) at least one of the following:

21                           (A) documentation that since the preceding date  
22 that the operator's organization report was required to be renewed  
23 the operator has plugged, or restored to active operation as  
24 defined by commission rule, a number of inactive wells equal to or  
25 greater than 10 percent of the number of inactive wells operated by  
26 the operator on that date;

27                           (B) an abeyance of plugging report on a form

1 approved by the commission that:

2 (i) is in the form of a certification signed  
3 by a person licensed by the Texas Board of Professional Engineers  
4 ~~[or the Texas Board of Professional Geoscientists];~~

5 (ii) includes:

6 (a) an affirmation by the licensed  
7 person that the well has:

8 (1) a reasonable expectation of  
9 economic value in excess of the cost of plugging the well for the  
10 duration of the period covered by the report, based on the cost  
11 calculation for plugging an inactive well; and

12 (2) a reasonable expectation of  
13 being restored to a beneficial use that will prevent waste of oil or  
14 gas resources that otherwise would not be produced if the well were  
15 plugged; and

16 (b) appropriate documentation  
17 demonstrating the basis for the affirmation of the well's future  
18 utility; and

19 (iii) specifies the field and the covered  
20 wells within that field in a format prescribed by the commission;

21 (C) a statement that the well is part of an  
22 enhanced oil recovery project;

23 (D) if the operator of the well is not currently  
24 otherwise required by commission rule or order to conduct a fluid  
25 level or hydraulic pressure test of the well, documentation of the  
26 results of a successful fluid level or hydraulic pressure test of  
27 the well conducted in accordance with the commission's rules in

effect at the time the test is conducted;

(E) a supplemental bond, letter of credit, or cash deposit sufficient for each well specified in the application that:

(i) complies with the requirements of Chapter 91; and

(ii) is of an amount at least equal to the cost calculation for plugging an inactive well for each well specified in the application;

(F) documentation of the deposit with the commission each time the operator files an application of an amount of escrow funds as prescribed by commission rule that equal at least 10 percent of the total cost calculation for plugging an inactive well for each well specified in the application; or

(G) if the operator is a publicly traded entity:

(i) the following documents:

(a) a copy of the operator's federal documents filed to comply with Financial Accounting Standards Board Statement No. 143, Accounting for Asset Retirement Obligations; and

(b) an original, executed Uniform Commercial Code Form 1 Financing Statement, filed with the secretary of state, that:

(1) names the operator as the "debtor" and the Railroad Commission of Texas as the "secured creditor"; and

(2) specifies the funds covered by the documents described by Sub-subparagraph (a) in the amount of

the cost calculation for plugging an inactive well for each well specified in the application; or

(ii) a blanket bond in the amount of the lesser of:

(a) the cost calculation for plugging any inactive wells; or

(b) \$2 million.

SECTION 3.04. Sections 26.365(a), (b), and (d), Water Code, are amended to read as follows:

(a) In administering the program implemented under Section 26.364(a), the commission, on the request of a geoscientist licensed by the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, shall register the geoscientist in the program.

(b) A geoscientist registered in the program may contract to perform corrective action under this subchapter unless the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, determines that the geoscientist is not qualified to perform a corrective action.

(d) The commission may not adopt minimum qualifications for a geoscientist licensed by the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, to contract with an eligible owner or operator to perform a corrective action under this subchapter.

SECTION 3.05. Sections 26.367(a), (b), and (d), Water Code, are amended to read as follows:

(a) In administering the program implemented under Section



26.366(a), the commission, on the request of a geoscientist licensed by the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, shall license the geoscientist in the program.

(b) A geoscientist licensed in the program may supervise a corrective action under this subchapter unless the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, determines that the geoscientist is not qualified to supervise a corrective action.

(d) The commission may not adopt minimum qualifications for a geoscientist licensed by the Texas Board of Professional Engineers [~~Geoscientists~~], or an equivalent entity that licenses geoscientists, to contract with an eligible owner or operator to supervise a corrective action under this subchapter.

#### ARTICLE 4. REPEALER

SECTION 4.01. The following provisions of the Occupations Code are repealed:

- (1) Section 1002.003;
- (2) Subchapters B and C, Chapter 1002;
- (3) Sections 1002.151, 1002.152, 1002.153, 1002.154, and 1002.158;
- (4) Subchapter E, Chapter 1002;
- (5) Section 1071.003; and
- (6) Subchapters B and C, Chapter 1071.

#### ARTICLE 5. TRANSITION AND EFFECTIVE DATE

SECTION 5.01. (a) The Texas Board of Professional Geoscientists is abolished but continues in existence until

1 September 1, 2012, for the sole purpose of transferring  
2 obligations, property, rights, powers, and duties to the Texas  
3 Board of Professional Engineers. The Texas Board of Professional  
4 Engineers assumes all of the obligations, property, rights, powers,  
5 and duties of the Texas Board of Professional Geoscientists as they  
6 exist immediately before the effective date of this Act. All  
7 unexpended funds appropriated to the Texas Board of Professional  
8 Geoscientists are transferred to the Texas Board of Professional  
9 Engineers. The transfer of the obligations, property, rights,  
10 powers, and duties of the Texas Board of Professional Geoscientists  
11 to the Texas Board of Professional Engineers must be completed not  
12 later than September 1, 2012.

13 (b) All rules of the Texas Board of Professional  
14 Geoscientists are continued in effect as rules of the Texas Board of  
15 Professional Engineers until superseded by a rule of the Texas  
16 Board of Professional Engineers. A certificate, license,  
17 registration, or other authorization issued by the Texas Board of  
18 Professional Geoscientists is continued in effect as provided by  
19 the law in effect immediately before the effective date of this Act.  
20 An application for a certificate, license, registration, or other  
21 authorization pending on the effective date of this Act is  
22 continued without change in status after the effective date of this  
23 Act. A complaint, investigation, contested case, or other  
24 proceeding pending on the effective date of this Act is continued  
25 without change in status after the effective date of this Act.

26 (c) A reference in another law or an administrative rule to  
27 the Texas Board of Professional Geoscientists means the Texas Board

1 of Professional Engineers.

2 (d) As soon as practicable after the effective date of this  
3 Act, the governor shall appoint five geoscientists and one public  
4 member to the Texas Board of Professional Engineers as required by  
5 this Act. In appointing the members, the governor shall appoint two  
6 members for terms that expire September 26, 2013, two members for  
7 terms that expire September 26, 2015, and two members for terms that  
8 expire September 26, 2017.

9 (e) The changes in law made by this Act to Sections 1002.102  
10 and 1002.103, Occupations Code, regarding the qualifications for a  
11 member of the Texas Board of Professional Engineers do not affect  
12 the entitlement of a member serving on the board immediately before  
13 September 1, 2011, to continue to serve and function as a member of  
14 the board for the remainder of the member's term. The changes in law  
15 made by this Act apply only to a member appointed on or after the  
16 effective date of this Act.

17 SECTION 5.02. (a) The Texas Board of Professional Land  
18 Surveying is abolished but continues in existence until September  
19 1, 2012, for the sole purpose of transferring obligations,  
20 property, rights, powers, and duties to the Texas Board of  
21 Architectural Examiners. The Texas Board of Architectural  
22 Examiners assumes all of the obligations, property, rights, powers,  
23 and duties of the Texas Board of Professional Land Surveying as they  
24 exist immediately before the effective date of this Act. All  
25 unexpended funds appropriated to the Texas Board of Professional  
26 Land Surveying are transferred to the Texas Board of Architectural  
27 Examiners. The transfer of the obligations, property, rights,

1 powers, and duties of the Texas Board of Professional Land  
2 Surveying to the Texas Board of Architectural Examiners must be  
3 completed not later than September 1, 2012.

4 (b) All rules of the Texas Board of Professional Land  
5 Surveying are continued in effect as rules of the Texas Board of  
6 Architectural Examiners until superseded by a rule of the Texas  
7 Board of Architectural Examiners. A certificate, license,  
8 registration, or other authorization issued by the Texas Board of  
9 Professional Land Surveying is continued in effect as provided by  
10 the law in effect immediately before the effective date of this Act.  
11 An application for a certificate, license, registration, or other  
12 authorization pending on the effective date of this Act is  
13 continued without change in status after the effective date of this  
14 Act. A complaint, investigation, contested case, or other  
15 proceeding pending on the effective date of this Act is continued  
16 without change in status after the effective date of this Act.

17 (c) A reference in another law or an administrative rule to  
18 the Texas Board of Professional Land Surveying means the Texas  
19 Board of Architectural Examiners.

20 (d) As soon as practicable after the effective date of this  
21 Act, the governor shall appoint two land surveyors licensed under  
22 Chapter 1071, Occupations Code, to the Texas Board of Architectural  
23 Examiners as required by this Act. In appointing the members, the  
24 governor shall appoint one member for a term that expires January  
25 31, 2015, and one member for a term that expires January 31, 2017.

26 (e) The changes in law made by this Act to Sections 1051.102  
27 and 1051.103, Occupations Code, regarding the qualifications for a

1 member of the Texas Board of Architectural Examiners do not affect  
2 the entitlement of a member serving on the board immediately before  
3 September 1, 2011, to continue to serve and function as a member of  
4 the board for the remainder of the member's term. The changes in law  
5 made by this Act apply only to a member appointed on or after the  
6 effective date of this Act.

7       SECTION 5.03. To the extent of any conflict, this Act  
8 prevails over another Act of the 82nd Legislature, Regular Session,  
9 2011, relating to nonsubstantive additions to and corrections in  
10 enacted codes.

11       SECTION 5.04. This Act takes effect September 1, 2011.