

By: Callegari

H.B. No. 3166

A BILL TO BE ENTITLED

AN ACT

relating to the abolition and consolidation of state agencies.

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

ARTICLE 1: TRANSFER OF THE FUNCTIONS OF THE TEXAS DEPARTMENT OF
RURAL AFFAIRS TO THE DEPARTMENT OF AGRICULTURE.

SECTION 1.1. The heading to Chapter 487, Government Code,
is amended to read as follows:

CHAPTER 487. OFFICE [~~TEXAS DEPARTMENT~~] OF RURAL
AFFAIRS IN DEPARTMENT OF AGRICULTURE

SECTION 1.2. Section 487.001, Government Code, is amended
to read as follows:

Sec. 487.001. DEFINITIONS. In this chapter:

(1) "Board" means the commissioner [~~board of the Texas
Department of Rural Affairs~~].

(2) "Commissioner" means the commissioner of
agriculture.

(3) "Department" means the office [~~Texas Department of
Rural Affairs~~].

(4) "Office" means the Office of Rural Affairs
established within the Department of Agriculture under Section
12.038, Agriculture Code.

SECTION 1.3. Subchapter A, Chapter 487, Government Code, is
amended by adding Section 487.003 to read as follows:

Sec. 487.003. REFERENCE IN LAW. (a) A reference in this

1 chapter or other law to the Texas Department of Rural Affairs means
2 the office and a reference in this chapter or other law to the board
3 of the Texas Department of Rural Affairs means the commissioner.

4 (b) A reference in law to the executive director of the
5 Texas Department of Rural Affairs means the director of the Office
6 of Rural Affairs appointed under Section 12.038, Agriculture Code.

7 SECTION 1.4. Section 487.026, Government Code, is amended
8 to read as follows:

9 Sec. 487.026. ~~[EXECUTIVE]~~ DIRECTOR. (a) The ~~[board may~~
10 ~~hire an executive]~~ director serves ~~[to serve]~~ as the chief
11 executive officer of the office ~~[department]~~ and performs ~~[to~~
12 ~~perform]~~ the administrative duties of the office ~~[department]~~.

13 (b) ~~[The executive director serves at the will of the board.~~

14 ~~[(c)]~~ The ~~[executive]~~ director may hire staff within
15 guidelines established by the commissioner ~~[board]~~.

16 SECTION 1.5. Section 487.051(a), Government Code, is
17 amended to read as follows:

18 (a) The office ~~[department]~~ shall:

19 (1) assist rural communities in the key areas of
20 economic development, community development, rural health, and
21 rural housing;

22 (2) serve as a clearinghouse for information and
23 resources on all state and federal programs affecting rural
24 communities;

25 (3) in consultation with rural community leaders,
26 locally elected officials, state elected and appointed officials,
27 academic and industry experts, and the interagency work group

1 created under this chapter, identify and prioritize policy issues
2 and concerns affecting rural communities in the state;

3 (4) make recommendations to the legislature to address
4 the concerns affecting rural communities identified under
5 Subdivision (3);

6 (5) monitor developments that have a substantial
7 effect on rural Texas communities, especially actions of state
8 government, and compile an annual report describing and evaluating
9 the condition of rural communities;

10 (6) administer the federal community development
11 block grant nonentitlement program;

12 (7) administer programs supporting rural health care
13 as provided by this chapter;

14 (8) perform research to determine the most beneficial
15 and cost-effective ways to improve the welfare of rural
16 communities;

17 (9) ensure that the office [~~department~~] qualifies as
18 the state's office of rural health for the purpose of receiving
19 grants from the Office of Rural Health Policy of the United States
20 Department of Health and Human Services under 42 U.S.C. Section
21 254r;

22 (10) manage the state's Medicare rural hospital
23 flexibility program under 42 U.S.C. Section 1395i-4;

24 (11) seek state and federal money available for
25 economic development in rural areas for programs under this
26 chapter;

27 (12) in conjunction with other offices and divisions

1 of the Department of Agriculture, regularly cross-train office
2 [~~department~~] employees with other employees of the Department of
3 Agriculture regarding the programs administered and services
4 provided [~~by each agency~~] to rural communities; and

5 (13) work with interested persons to assist volunteer
6 fire departments and emergency services districts in rural areas.

7 SECTION 1.6. Section 487.0541(c), Government Code, is
8 amended to read as follows:

9 (c) The work group shall meet at the call of the [~~executive~~]
10 director of the office [~~department~~].

11 SECTION 1.7. Section 487.055, Government Code, is amended
12 to read as follows:

13 Sec. 487.055. ADVISORY COMMITTEES. (a) The commissioner
14 [~~board~~] may appoint advisory committees as necessary to assist the
15 office [~~board~~] in performing its duties. An advisory committee may
16 be composed of private citizens and representatives from state and
17 local governmental entities. A state or local governmental entity
18 shall appoint a representative to an advisory committee at the
19 request of the commissioner [~~board~~].

20 (b) The commissioner shall create a rural advisory
21 committee to advise the commissioner, director, and office on rural
22 policy priorities and administering community development and
23 health programs that impact rural communities. The commissioner
24 shall appoint as members of the committee elected officials and
25 community members with expertise in community development,
26 economic development, and rural health and may appoint as members
27 of the committee individuals with expertise in education or

1 transportation, as determined by the commissioner.

2 (c) Chapter 2110 does not apply to an advisory committee
3 created under this section.

4 SECTION 1.8. Section 487.351(d), Government Code, is
5 amended to read as follows:

6 (d) An applicant for a grant, loan, or award under a
7 community development block grant program may appeal a decision of
8 the [~~executive~~] director by filing an appeal with the commissioner
9 [~~board~~]. The commissioner [~~board~~] shall hold a hearing on the
10 appeal and render a decision.

11 SECTION 1.9. Section 535.051(b), Government Code, is
12 amended to read as follows:

13 (b) The chief administrative officer of each of the
14 following state agencies, in consultation with the governor, shall
15 designate one employee from the agency to serve as a liaison for
16 faith- and community-based organizations:

17 (1) the Office of Rural [~~Community~~] Affairs within the
18 Department of Agriculture;

19 (2) the Texas Commission on Environmental Quality;

20 (3) the Texas Department of Criminal Justice;

21 (4) the Texas Department of Housing and Community
22 Affairs;

23 (5) the Texas Education Agency;

24 (6) the Texas Juvenile Probation Commission;

25 (7) the Texas Veterans Commission;

26 (8) the Texas Workforce Commission;

27 (9) the Texas Youth Commission; and

1 (10) other state agencies as determined by the
2 governor.

3 SECTION 1.10. Section 2306.1092(b), Government Code, is
4 amended to read as follows:

5 (b) The council is composed of 16 members consisting of:

6 (1) the director;

7 (2) one representative from each of the following
8 agencies, appointed by the head of that agency:

9 (A) the Office of Rural [~~Community~~] Affairs
10 within the Department of Agriculture;

11 (B) the Texas State Affordable Housing
12 Corporation;

13 (C) the Health and Human Services Commission;

14 (D) the Department of Assistive and
15 Rehabilitative Services;

16 (E) the Department of Aging and Disability
17 Services; and

18 (F) the Department of State Health Services;

19 (3) one representative from the Department of
20 Agriculture who is:

21 (A) knowledgeable about the Texans Feeding
22 Texans and Retire in Texas programs or similar programs; and

23 (B) appointed by the head of that agency;

24 (4) one member who is:

25 (A) a member of the Health and Human Services
26 Commission Promoting Independence Advisory Committee; and

27 (B) appointed by the governor; and

1 (5) one representative from each of the following
2 interest groups, appointed by the governor:

3 (A) financial institutions;

4 (B) multifamily housing developers;

5 (C) health services entities;

6 (D) nonprofit organizations that advocate for
7 affordable housing and consumer-directed long-term services and
8 support;

9 (E) consumers of service-enriched housing;

10 (F) advocates for minority issues; and

11 (G) rural communities.

12 SECTION 1.11. Sections 487.002, 487.021, 487.022, 487.023,
13 487.024, 487.025, 487.028, 487.029, 487.051(b), 487.058, and
14 487.352, Government Code, are repealed.

15 SECTION 1.12. (a) The Texas Department of Rural Affairs is
16 abolished as an independent agency and transferred as a program to
17 the Office of Rural Affairs in the Department of Agriculture. The
18 board of the Texas Department of Rural Affairs is abolished.

19 (b) The validity of an action taken by the Texas Department
20 of Rural Affairs or its board before either is abolished under
21 Subsection (a) of this section is not affected by the abolishment.

22 SECTION 1.13. On September 1, 2011:

23 (1) the position of executive director of the Texas
24 Department of Rural Affairs is abolished, except that the director
25 of the Office of Rural Affairs in the Department of Agriculture may
26 hire the executive director for a position in the office;

27 (2) an employee of the Texas Department of Rural

1 Affairs becomes an employee of the Office of Rural Affairs in the
2 Department of Agriculture;

3 (3) a reference in law to the Texas Department of Rural
4 Affairs means the Office of Rural Affairs in the Department of
5 Agriculture;

6 (4) all money, contracts, leases, rights, and
7 obligations of the Texas Department of Rural Affairs are
8 transferred to the Office of Rural Affairs in the Department of
9 Agriculture;

10 (5) all property, including records, in the custody of
11 the Texas Department of Rural Affairs becomes the property of the
12 Office of Rural Affairs in the Department of Agriculture; and

13 (6) all funds appropriated by the legislature to the
14 Texas Department of Rural Affairs are transferred to the Office of
15 Rural Affairs in the Department of Agriculture.

16 SECTION 1.14. A function or activity performed by the Texas
17 Department of Rural Affairs is transferred to the Office of Rural
18 Affairs in the Department of Agriculture as provided by this Act.

19 SECTION 1.15. The Texas Department of Rural Affairs and the
20 Department of Agriculture shall establish a transition plan for the
21 transfer described in Sections 12 and 13 of this Act.

22 ARTICLE 2. TRANSFER OF FUNCTIONS OF THE TEXAS FUNERAL SERVICE
23 COMMISSION TO THE TEXAS DEPARTMENT OF LICENSING AND REGULATION.

24 SECTION 2.1. Section 651.001, Occupations Code, is amended
25 by amending Subdivisions (2) and (14) and adding Subdivision (3-a)
26 to read as follows:

27 (2) "Commission" means the Texas [~~Funeral Service~~]

1 Commission of Licensing and Regulation.

2 (3-a) "Department" means the Texas Department of
3 Licensing and Regulation.

4 (14) "Provisional license holder" means a person who:

5 (A) is engaged in learning the practice of
6 funeral directing or embalming under the instruction, direction,
7 and personal supervision of a funeral director or embalmer; and

8 (B) holds a provisional license issued by the
9 department [~~commission~~] under this chapter.

10 SECTION 2.2. Section 651.003(b), Occupations Code, is
11 amended to read as follows:

12 (b) The authority of the department and commission under
13 Chapter 154, Finance Code, is limited to:

14 (1) imposing an administrative penalty;

15 (2) issuing a reprimand; or

16 (3) suspending, revoking, or probating a license
17 issued by the department [~~commission~~].

18 SECTION 2.3. Section 651.004, Occupations Code, is amended
19 to read as follows:

20 Sec. 651.004. REGULATION OF CEMETERY AND CREMATORY
21 SERVICES. (a) The department [~~commission~~] shall regulate cemetery
22 and crematory services as provided by this chapter and Chapter 716,
23 Health and Safety Code.

24 (b) The department [~~commission~~] may not regulate cemetery
25 or crematory services that occur after burial or inurnment unless
26 the services relate to the care and treatment of the remains in an
27 urn, casket, or outer enclosure.

1 SECTION 2.4. The heading to Subchapter D, Chapter 651,
2 Occupations Code, is amended to read as follows:

3 SUBCHAPTER D. ADMINISTRATION OF CHAPTER [~~COMMISSION POWERS AND~~
4 ~~DUTIES~~]

5 SECTION 2.5. Sections 651.151(b) and (c), Occupations Code,
6 are amended to read as follows:

7 (b) The department [~~commission~~] shall examine each
8 applicant for a funeral director's license, embalmer's license, or
9 provisional license and shall issue the appropriate license to a
10 person who meets the licensing requirements.

11 (c) The commission may appoint a committee [~~from its~~
12 ~~members~~] to consider and make a recommendation on a matter referred
13 to the committee by the commission.

14 SECTION 2.6. Section 651.152, Occupations Code, is amended
15 to read as follows:

16 Sec. 651.152. RULES; PROCEDURES; FORMS. The commission
17 shall adopt rules and [~~7~~] establish procedures [~~7~~] and the department
18 shall prescribe forms necessary to administer and enforce this
19 chapter and Chapters 714 and 715, Health and Safety Code.

20 SECTION 2.7. Section 651.154, Occupations Code, is amended
21 to read as follows:

22 Sec. 651.154. FEES FOR PERPETUAL CARE CEMETERY PROHIBITED.

23 [~~(a) The commission shall set the following fees in amounts~~
24 ~~reasonable and necessary to administer this chapter.~~

25 [~~(1) the funeral director's and embalmer's application~~
26 ~~fee, license fee, duplicate license fee, and reciprocal license~~
27 ~~fee, and~~

1 ~~[(2) the cemetery, crematory, or funeral~~
2 ~~establishment license fee, renewal fee, and late renewal penalty.~~

3 ~~[(b) The commission shall set the provisional license fee,~~
4 ~~examination fee, renewal fee, and late renewal penalty in amounts~~
5 ~~reasonable and necessary to administer the provisional license~~
6 ~~program.~~

7 ~~[(c)]~~ The department ~~[commission]~~ may not charge a fee to a
8 perpetual care cemetery, including a fee for issuing or renewing a
9 license issued under this chapter.

10 SECTION 2.8. Section 651.155(a), Occupations Code, is
11 amended to read as follows:

12 (a) On presentation to the department ~~[commission]~~ of
13 evidence as prescribed by the commission, a license holder or
14 provisional license holder actively engaged in the military service
15 of the United States is exempt from the payment of license fees for
16 the duration of the holder's military service or from the amount of
17 fees and for the time the department ~~[commission]~~ considers
18 advisable.

19 SECTION 2.9. Section 651.157, Occupations Code, is amended
20 to read as follows:

21 Sec. 651.157. INSPECTION OF CEMETERY, CREMATORY, OR FUNERAL
22 ESTABLISHMENT. (a) Except as provided by Subsection (b), a
23 licensed cemetery, crematory, or funeral establishment shall be
24 inspected at least once every two years by an agent of the
25 department ~~[commission]~~ or by an agent of the state or a political
26 subdivision authorized by the department ~~[commission]~~ to make
27 inspections on its behalf.

1 (b) If the department [~~commission~~] finds a violation of this
2 chapter or of Chapter 193, 361, 711, 714, 715, or 716, Health and
3 Safety Code, the department [~~commission~~] shall inspect the
4 cemetery, crematory, or funeral establishment annually until the
5 department [~~commission~~] determines that the establishment is free
6 of violations.

7 (c) A report of each inspection made under this section
8 shall be filed with the department [~~commission~~].

9 (d) The commission by rule shall establish:

10 (1) procedures for the inspection of a cemetery,
11 crematory, or funeral establishment required by this section; and

12 (2) criteria, including consideration of the
13 establishment's inspection and complaint history, regarding when
14 the department [~~commission~~] should inspect an establishment based
15 on the risk of a violation at an establishment.

16 (e) A premises on which funeral directing, interment,
17 cremation, or embalming is practiced shall be open at all times to
18 inspection for any violation of this chapter or of Chapter 193, 361,
19 or 716, Health and Safety Code, by:

20 (1) an agent of the department [~~commission~~];

21 (2) an authorized agent of the state; or

22 (3) an authorized agent of the county or municipality
23 in which the premises is located.

24 (f) Before a department [~~commission~~] agent inspects a
25 cemetery, crematory, or funeral establishment, the agent shall
26 review the inspection reports filed with the department
27 [~~commission~~] on the establishment. During the inspection, the

1 agent shall determine whether previously identified problems have
2 been corrected and whether a pattern of violations exists. The
3 commission shall consider the information from the inspection
4 reports in determining whether a penalty should be imposed against
5 an establishment.

6 SECTION 2.10. Section 651.1571(b), Occupations Code, is
7 amended to read as follows:

8 (b) Except as provided by Section 651.157(b):

9 (1) a cemetery may not be inspected unless:

10 (A) an interment has occurred in the cemetery
11 within the two years preceding the inspection; or

12 (B) the department [~~commission~~] has received a
13 complaint about the cemetery; and

14 (2) the department [~~commission~~] shall give lower
15 priority to an inspection of a cemetery than to an inspection of a
16 crematory or funeral establishment.

17 SECTION 2.11. Section 651.161(a), Occupations Code, is
18 amended to read as follows:

19 (a) The department [~~commission~~] shall file annually with
20 the governor a list of the names of all funeral directors,
21 embalmers, and licensed funeral establishments.

22 SECTION 2.12. Sections 651.162(b) and (c), Occupations
23 Code, are amended to read as follows:

24 (b) The commission shall file annually with the governor a
25 written description of the activities of the commission and
26 department under this chapter during the preceding fiscal year.

27 (c) The department [~~commission~~] shall file annually with

1 the governor a report on the department's [~~commission's~~] compliance
2 with Sections 651.104 and[~~7~~] 651.105[~~, and 651.204(b)~~].

3 SECTION 2.13. Section 651.164, Occupations Code, is amended
4 to read as follows:

5 Sec. 651.164. LICENSE EXPIRATION. [~~The commission by rule~~
6 ~~may adopt a system under which licenses expire on various dates~~
7 ~~during the year.~~] For the year in which the license expiration date
8 is changed, the department [~~commission~~] shall prorate license fees
9 on a monthly basis so that each license holder pays only that
10 portion of the license fee that is allocable to the number of months
11 during which the license is valid. On renewal of the license on the
12 new expiration date, the total license renewal fee is payable.

13 SECTION 2.14. Section 651.1655, Occupations Code, is
14 amended to read as follows:

15 Sec. 651.1655. REINSTATEMENT OF SUSPENDED LICENSE. A
16 person whose license has been suspended may renew the license by
17 paying to the department [~~commission~~] a renewal fee that is equal to
18 two times the normally required renewal fee in addition to any
19 penalty assessed by the commission.

20 SECTION 2.15. Section 651.201, Occupations Code, is amended
21 to read as follows:

22 Sec. 651.201. PUBLIC INTEREST INFORMATION. (a) The
23 department [~~commission~~] shall prepare a brochure with information
24 of public interest:

- 25 (1) explaining matters relating to funerals; and
26 (2) describing:
27 (A) the functions of the department related to

1 this chapter [~~commission~~]; and

2 (B) the department's [~~commission's~~] procedures
3 for filing and resolving a public complaint.

4 (b) The department [~~commission~~] shall:

5 (1) provide each licensed funeral establishment with
6 the number of brochures the department [~~commission~~] considers
7 appropriate; and

8 (2) make the brochure available to the public and
9 appropriate state agencies.

10 SECTION 2.16. Section 651.252, Occupations Code, is amended
11 to read as follows:

12 Sec. 651.252. LICENSE APPLICATION. (a) An applicant for a
13 funeral director's license or an embalmer's license must submit a
14 written license application to the department [~~commission~~] and pay
15 the application fee.

16 (b) The commission may require an applicant to appear before
17 at least one member of the department [~~commission~~] for approval of
18 the person's application. The approval is subject to review by the
19 department [~~entire commission~~].

20 (c) The department [~~commission~~] shall keep a permanent,
21 alphabetical record of each license application and the action
22 taken on the application. The record must indicate the current
23 status of each application and license issued.

24 SECTION 2.17. Section 651.253(b), Occupations Code, is
25 amended to read as follows:

26 (b) An applicant for a funeral director's license or an
27 embalmer's license may not be considered for that license until the

1 applicant:

2 (1) completes all of the requirements of the
3 provisional license program; and

4 (2) attains a grade of at least 75 percent on the
5 written examination given by the department [~~commission~~].

6 SECTION 2.18. Section 651.255, Occupations Code, is amended
7 to read as follows:

8 Sec. 651.255. EXAMINATIONS REQUIRED FOR FUNERAL DIRECTOR'S
9 LICENSE. The department [~~commission~~] shall administer or arrange
10 for the administration of:

- 11 (1) a written professionally prepared examination on:
12 (A) the art and technique of funeral directing;
13 (B) the signs of death;
14 (C) the manner by which death may be determined;
15 (D) sanitation and hygiene;
16 (E) mortuary management and mortuary law;
17 (F) business and professional ethics; and
18 (G) other subjects that may be taught in a
19 recognized school or college of mortuary science; and

20 (2) a written examination developed by the department
21 [~~commission~~] or developed for the department [~~commission~~] by
22 contract on:

23 (A) laws applicable to vital statistics
24 pertaining to dead human bodies; and

25 (B) local and state rules and laws relating to
26 the preparation, transportation, care, and disposition of dead
27 human bodies.

1 SECTION 2.19. Section 651.256, Occupations Code, is amended
2 to read as follows:

3 Sec. 651.256. EXAMINATIONS REQUIRED FOR EMBALMER'S
4 LICENSE. The department [~~commission~~] shall administer or arrange
5 for the administration of:

- 6 (1) a written professionally prepared examination on:
7 (A) the anatomy of the human body, including:
8 (i) the cavities of the human body; and
9 (ii) the arterial and venous system of the
10 human body;
11 (B) blood and discoloration;
12 (C) bacteriology and hygiene;
13 (D) pathology;
14 (E) chemistry and embalming;
15 (F) arterial and cavity embalming;
16 (G) restorative art;
17 (H) disinfecting;
18 (I) embalming special cases;
19 (J) contagious and infectious diseases;
20 (K) mortuary management;
21 (L) care, preservation, transportation, and
22 disposition of dead human bodies;
23 (M) sanitary science; and
24 (N) other subjects that may be taught in a
25 recognized school or college of mortuary science; and

26 (2) a written examination developed by the department
27 [~~commission~~] or developed for the department [~~commission~~] by

1 contract on:

2 (A) laws applicable to vital statistics
3 pertaining to dead human bodies; and

4 (B) local and state rules and laws relating to
5 the care and disposition of dead human bodies.

6 SECTION 2.20. Section 651.257, Occupations Code, is amended
7 to read as follows:

8 Sec. 651.257. FOREIGN STUDENTS; CERTIFICATE OF MERIT. (a)
9 A citizen of a country other than the United States who has
10 completed a full course of mortuary science at a
11 department-approved [~~commission-approved~~] college in this state
12 may take the department [~~commission~~] examination in embalming,
13 funeral directing, or both after:

- 14 (1) applying to the department [~~commission~~]; and
15 (2) paying the examination fee required of other
16 applicants.

17 (b) The department [~~commission~~] may award the applicant a
18 certificate of merit if the applicant successfully makes the
19 minimum grades required of other applicants. The certificate of
20 merit does not authorize the holder of the certificate to practice
21 embalming or funeral directing in this state unless the holder is
22 otherwise licensed as an embalmer or funeral director under this
23 chapter.

24 SECTION 2.21. Section 651.258, Occupations Code, is amended
25 to read as follows:

26 Sec. 651.258. LICENSE ISSUANCE. A [~~On issuance of a~~]
27 funeral director's license or an embalmer's license issued under

1 this chapter[, ~~a majority of the commission members shall sign the~~
2 ~~license. The license~~] authorizes the license holder to practice
3 embalming, funeral directing, or both.

4 SECTION 2.22. Section 651.259(e), Occupations Code, is
5 amended to read as follows:

6 (e) The department [~~commission~~] shall conduct a criminal
7 background check on each applicant. An applicant is not eligible
8 for a license under this section if the applicant has, in the 10
9 years preceding the date of the application, been finally convicted
10 of a misdemeanor involving moral turpitude or a felony.

11 SECTION 2.23. Sections 651.2595(a), (b), (c), and (d),
12 Occupations Code, are amended to read as follows:

13 (a) The department [~~commission~~] may issue a provisional
14 license to an applicant currently licensed in another jurisdiction
15 who seeks a license in this state and who:

16 (1) has been licensed in good standing as a funeral
17 director or embalmer for at least two years in another
18 jurisdiction, including a foreign country, that has licensing
19 requirements substantially equivalent to the requirements of this
20 chapter;

21 (2) has passed a national or other examination
22 recognized by the commission relating to the practice of funeral
23 director or embalmer; and

24 (3) is sponsored by a person licensed by the
25 department [~~commission~~] under this chapter with whom the
26 provisional license holder will practice during the time the person
27 holds a provisional license.

1 (b) The department [~~commission~~] may waive the requirement
2 of Subsection (a)(3) for an applicant if the department
3 [~~commission~~] determines that compliance with that subsection would
4 be a hardship to the applicant.

5 (c) A provisional license is valid until the date the
6 department [~~commission~~] approves or denies the provisional license
7 holder's application for a license. The department [~~commission~~]
8 shall issue a license under this chapter to the provisional license
9 holder if:

10 (1) the provisional license holder is eligible to be
11 licensed under Section 651.259; or

12 (2) the provisional license holder:

13 (A) passes the part of the examination under
14 Subsection (a) that relates to the applicant's knowledge and
15 understanding of the laws and rules relating to the practice of
16 funeral directing or embalming in this state;

17 (B) meets the academic and experience
18 requirements for a license under this chapter; and

19 (C) satisfies any other licensing requirements
20 under this chapter.

21 (d) The department [~~commission~~] shall approve or deny a
22 provisional license holder's application for a license not later
23 than the second anniversary of the date on which the provisional
24 license is issued. The department [~~commission~~] may extend the
25 two-year period if the results of an examination have not been
26 received by the department [~~commission~~] before the end of that
27 period.

1 SECTION 2.24. Section 651.260, Occupations Code, is amended
2 to read as follows:

3 Sec. 651.260. DUPLICATE LICENSE. (a) If a license issued
4 under this chapter is lost or destroyed, the license holder may
5 apply to the department [~~commission~~] for a duplicate license.

6 (b) The license holder must submit the application on a form
7 prescribed by the department [~~commission~~] and must submit with the
8 application an affidavit verifying:

9 (1) the loss or destruction of the license;

10 (2) that the license holder is the person to whom the
11 license was issued; and

12 (3) any other information concerning the loss or
13 destruction of the license the department [~~commission~~] requires.

14 (c) The department [~~commission~~] shall issue a duplicate
15 license after receipt of the information and payment of the fee set
16 by the commission for the duplicate license.

17 SECTION 2.25. Sections 651.265(b) and (c), Occupations
18 Code, are amended to read as follows:

19 (b) On application, the department [~~commission~~] may renew
20 the license of a retired license holder who does not provide funeral
21 or embalming services in the category of retired, inactive status.
22 The department [~~commission~~] may not charge a fee for the renewal of
23 a license for retired, inactive status.

24 (c) On application, the department [~~commission~~] may renew
25 in the category of retired, active status, the license of a retired
26 license holder who participates in any manner, nominal or
27 otherwise, in the provision of funeral or embalming services. The

1 department [~~commission~~] shall charge a fee equal to one-half of the
2 amount of the license renewal fee charged other active license
3 holders.

4 SECTION 2.26. Sections 651.267(a), (b), and (d),
5 Occupations Code, are amended to read as follows:

6 (a) On application, the department [~~commission~~] may reissue
7 a license issued under this subchapter to a person whose license has
8 been revoked. An application to reissue a license may not be made
9 before the third anniversary of the date of the revocation.

10 (b) The application shall be made in the manner and form
11 required by the department [~~commission~~].

12 (d) A license that has been revoked may be reinstated only
13 after the applicant:

14 (1) retakes and passes the applicable examination;

15 (2) pays a fee that is equal to two times the normally
16 required renewal fee; and

17 (3) satisfies any other [~~commission~~] requirements of
18 this chapter, including any continuing education requirements
19 under Section 651.266.

20 SECTION 2.27. Section 651.302, Occupations Code, is amended
21 to read as follows:

22 Sec. 651.302. APPLICATION; ISSUANCE OF PROVISIONAL
23 LICENSE. (a) The department [~~commission~~] shall issue a
24 provisional license to practice funeral directing to an applicant
25 who:

26 (1) is at least 18 years of age;

27 (2) has completed the educational requirements of

1 Section 651.253 or is enrolled in an accredited school or college of
2 mortuary science;

3 (3) is employed by a funeral director to learn funeral
4 directing or embalming under the instruction and supervision of the
5 funeral director;

6 (4) files an application for a provisional license on
7 a form provided by the department [~~commission~~] and verified under
8 oath by the applicant; and

9 (5) pays any required application or license fee.

10 (b) The department [~~commission~~] shall issue a provisional
11 license to practice embalming to an applicant who:

12 (1) is at least 18 years of age;

13 (2) has completed the educational requirements of
14 Section 651.253 or is enrolled in an accredited school or college of
15 mortuary science;

16 (3) files an application for a provisional license;

17 (4) pays any required application or license fee; and

18 (5) complies with the requirements of this chapter and
19 of the commission.

20 SECTION 2.28. Section 651.303(a), Occupations Code, is
21 amended to read as follows:

22 (a) The department [~~commission~~] shall prescribe and
23 supervise the course of instruction received by a provisional
24 license holder while participating in a provisional license
25 program.

26 SECTION 2.29. Section 651.304, Occupations Code, is amended
27 to read as follows:

1 Sec. 651.304. EMPLOYMENT REPORTS. (a) On entering
2 employment with a funeral director or embalmer, a provisional
3 license holder shall immediately notify the department
4 [~~commission~~] of the name and place of business of the funeral
5 director or embalmer under whom the provisional license holder will
6 train. The funeral director or embalmer shall sign the
7 notification.

8 (b) [~~(d)~~] If a provisional license holder leaves the
9 employment of a funeral director or embalmer, the funeral director
10 or embalmer shall prepare an affidavit showing the length of time
11 the provisional license holder was employed and the number of cases
12 handled while employed by the funeral director or embalmer. The
13 original affidavit shall be filed with the department [~~commission~~]
14 and made a matter of record. A copy of the affidavit shall be
15 furnished to the provisional license holder.

16 (c) [~~(e)~~] The commission by rule shall prescribe reporting
17 requirements for provisional license holders. The department
18 [~~commission~~] shall furnish report forms to be used by a provisional
19 license holder.

20 SECTION 2.30. Sections 651.305(c), (d), and (e),
21 Occupations Code, are amended to read as follows:

22 (c) If a provisional license holder fails to timely pay the
23 renewal fee, the department [~~commission~~] shall:

24 (1) impose a late payment penalty equal to the amount
25 of the license renewal fee;

26 (2) suspend the license for nonpayment; and

27 (3) notify the provisional license holder of the

1 suspension.

2 (d) If the renewal fee and penalty are not paid before the
3 91st day after the date of the notice of suspension, the department
4 [~~commission~~] shall cancel the license. If the license is canceled
5 under this subsection, the provisional license holder may apply for
6 reinstatement not later than 18 months after the date of
7 cancellation. The department [~~commission~~] may reinstate the
8 canceled license if:

9 (1) all other department [~~commission~~] requirements
10 are satisfied; and

11 (2) the license fee and a late payment penalty equal to
12 the amount of the license fee for the period of the cancellation are
13 paid.

14 (e) A provisional license may be renewed after the second
15 anniversary of the date of its issuance only if the person requests
16 and receives from the department [~~commission~~] an extension based on
17 hardship.

18 SECTION 2.31. Sections 651.351(a), (c), (g), and (h),
19 Occupations Code, are amended to read as follows:

20 (a) A funeral establishment may not conduct a funeral
21 business unless it is licensed by the department [~~commission~~].

22 (c) To obtain an initial funeral establishment license, an
23 applicant must apply for a license and pay the licensing fee. The
24 department [~~commission~~] shall issue an initial funeral
25 establishment license on determining that the applicant satisfies
26 the requirements of this section.

27 (g) The department [~~commission~~] may exempt a funeral

1 establishment from the requirements of Subsection (d)(5) if:

2 (1) the majority owner or designated agent of record
3 of a funeral establishment submits a written petition to the
4 department [~~commission~~] requesting an exemption and stating:

5 (A) the establishment's name and address;

6 (B) that the establishment is located within 50
7 miles of a facility owned by the establishment requesting the
8 exemption and at which embalming services may be performed; and

9 (C) that no embalming services will be performed
10 at the establishment; and

11 (2) the department [~~commission~~] determines that the
12 criteria in Subdivision (1) have been met.

13 (h) The department [~~executive director~~] shall notify the
14 petitioner of the department's [~~commission's~~] decision. The
15 exemption remains in effect until:

16 (1) the establishment is no longer located within 50
17 miles of a facility owned by the exempt establishment or at which
18 embalming services may be performed; or

19 (2) an embalming service has been performed at the
20 establishment.

21 SECTION 2.32. Sections 651.353(a) and (c), Occupations
22 Code, are amended to read as follows:

23 (a) A cemetery may not conduct a cemetery business unless
24 the facility is licensed by the department [~~commission~~].

25 (c) To obtain an initial cemetery license, an applicant must
26 apply for a license and pay the licensing fee. The department
27 [~~commission~~] shall issue an initial cemetery license on determining

1 that the applicant satisfies the requirements of this chapter.

2 SECTION 2.33. Section 651.354(a), Occupations Code, is
3 amended to read as follows:

4 (a) The department [~~commission~~] shall mail written notice
5 to a cemetery or funeral establishment of the impending expiration
6 of the establishment's license not later than the 30th day before
7 the expiration date of the license. The notice must state that:

8 (1) to renew the license, the cemetery or funeral
9 establishment must pay the renewal fee not later than the license
10 expiration date; and

11 (2) the license is automatically renewed on receipt of
12 the renewal fee.

13 SECTION 2.34. Section 651.355(a), Occupations Code, is
14 amended to read as follows:

15 (a) The Texas Department of Banking shall provide annually
16 to the department [~~commission~~] a list of perpetual care cemeteries,
17 including the address and other contact information for each
18 cemetery. The department [~~commission~~] shall annually register
19 each perpetual care cemetery on that list.

20 SECTION 2.35. Section 651.403(a), Occupations Code, is
21 amended to read as follows:

22 (a) A funeral establishment shall:

23 (1) designate to the department [~~commission~~] a funeral
24 director in charge; and

25 (2) promptly notify the department [~~commission~~] of any
26 change in that designation.

27 SECTION 2.36. Section 651.404, Occupations Code, is amended

1 to read as follows:

2 Sec. 651.404. CONSUMER BROCHURE. When funeral services are
3 discussed, a funeral director or agent of the funeral establishment
4 shall provide each prospective customer with a copy of the brochure
5 prepared by the department [~~commission~~] under Section 651.201. The
6 funeral establishment shall print additional copies of the brochure
7 if the department [~~commission~~] is unable to provide the number of
8 brochures needed by the funeral establishment.

9 SECTION 2.37. Section 651.406(a), Occupations Code, is
10 amended to read as follows:

11 (a) A purchase agreement must state:

12 (1) the name, address, and telephone number of the
13 funeral establishment;

14 (2) the amount paid or owed to another person by the
15 funeral establishment on behalf of the customer and each fee
16 charged the customer for the cost of advancing funds or becoming
17 indebted to another person on behalf of the customer;

18 (3) the printed notice required by Subsection (b);

19 (4) the name, mailing address, and telephone number of
20 the department [~~commission~~]; and

21 (5) a statement that complaints may be directed to the
22 department [~~commission~~].

23 SECTION 2.38. Section 651.4065(a), Occupations Code, is
24 amended to read as follows:

25 (a) A purchase agreement must state:

26 (1) the name, address, and telephone number of the
27 cemetery or crematory;

1 (2) the amount paid or owed to another person by the
2 cemetery or crematory on behalf of the customer and each fee charged
3 the customer for the cost of advancing funds or becoming indebted to
4 another person on behalf of the customer;

5 (3) the printed notice required by Subsection (b);

6 (4) the name, mailing address, and telephone number of
7 the department [~~commission~~];

8 (5) a statement that complaints may be directed to the
9 department [~~commission~~]; and

10 (6) any other items that the commission may by rule
11 require.

12 SECTION 2.39. Sections 651.407(c) and (d), Occupations
13 Code, are amended to read as follows:

14 (c) The funeral establishment shall retain a copy of the
15 written consent for at least two years and shall make the records of
16 the funeral establishment reasonably available for inspection by:

17 (1) the department [~~commission~~];

18 (2) the person who provided the consent; and

19 (3) the next of kin of the deceased person.

20 (d) The school or college of mortuary science shall retain a
21 copy of the written consent permanently and shall make the records
22 of the school or college of mortuary science reasonably available
23 for inspection by the department [~~commission~~].

24 SECTION 2.40. Section 651.451, Occupations Code, is amended
25 to read as follows:

26 Sec. 651.451. CERTAIN FRAUDULENT AND DECEPTIVE ACTS. A
27 person violates this chapter if the person:

1 (1) presents to the department [~~commission~~] a license,
2 certificate, registration, or diploma that was illegally or
3 fraudulently obtained;

4 (2) uses fraud or deception in passing the
5 examination, including impersonating or acting as a proxy for
6 another person in the examination;

7 (3) purchases, sells, barter, or uses, or offers to
8 purchase, sell, barter, or use, a license, registration,
9 certificate, or transcript of a license, registration, or
10 certificate in or incident to an application to the department
11 [~~commission~~] for a license or registration issued under this
12 chapter;

13 (4) alters, with fraudulent intent, a license,
14 registration, or certificate issued under this chapter or a
15 transcript of a license, registration, or certificate;

16 (5) uses a license, registration, certificate, or
17 diploma issued under this chapter or a transcript of a license,
18 registration, certificate, or diploma that has been fraudulently
19 purchased, issued, counterfeited, or materially altered;

20 (6) impersonates a funeral director, embalmer, or
21 other person regulated under this chapter;

22 (7) permits another to use the person's license or
23 registration to perform an activity regulated under this chapter;
24 or

25 (8) presents false certification of work done as a
26 provisional license holder.

27 SECTION 2.41. Section 651.460(a), Occupations Code, is

1 amended to read as follows:

2 (a) A person violates this chapter if the person:

3 (1) arranges for funeral services or merchandise and
4 fails to provide a customer with a purchase agreement as required by
5 Section 651.406;

6 (2) fails to retain and make available to the
7 department [~~commission~~], on request, copies of all price lists,
8 written notices, embalming documents, and memoranda of agreement
9 required by this chapter for two years after the date of
10 distribution or signing;

11 (3) violates this chapter, a rule adopted under this
12 chapter, an order by the commission revoking, suspending, or
13 probating a license, an order assessing an administrative penalty,
14 or an agreement to pay an administrative penalty;

15 (4) allows the use of a dead human body by an embalming
16 establishment for research or educational purposes without
17 complying with Section 651.407; or

18 (5) is associated with a funeral establishment,
19 whether as an employee, agent, subcontractor, assignee, owner, or
20 otherwise, and fails to comply with this chapter or a rule adopted
21 under this chapter.

22 SECTION 2.42. Section 651.5025(a), Occupations Code, is
23 amended to read as follows:

24 (a) The commission may revoke the license of a license
25 holder without a hearing if the department [~~commission~~] determines
26 from the information presented to it that the license holder has
27 been convicted of a felony related to the practice of embalming,

1 funeral directing, or another activity regulated by the department
2 [~~commission~~] under this chapter. The department [~~commission~~] shall
3 notify the license holder if it decides to revoke the license.

4 SECTION 2.43. Sections 651.503(a) and (b), Occupations
5 Code, are amended to read as follows:

6 (a) The commission shall issue a written warning to a
7 license holder if [~~the commission~~]:

8 (1) the department conducts an investigation that
9 identifies a violation of this chapter by the license holder; and

10 (2) the commission does not issue a reprimand, assess
11 an administrative penalty, or impose any other penalty against the
12 license holder.

13 (b) The warning must:

14 (1) describe the identified violation; and

15 (2) state the date by which the license holder must
16 file with the department [~~commission~~] a written report that
17 describes:

18 (A) the measures implemented by the license
19 holder to correct the violation; and

20 (B) the dates those measures were implemented.

21 SECTION 2.44. Section 651.504, Occupations Code, is amended
22 to read as follows:

23 Sec. 651.504. REPRIMAND. The commission may, after a
24 hearing as provided by Chapter 51 [~~Section 651.506~~] or without a
25 hearing if the person waives a hearing, reprimand a person
26 regulated under this chapter if the commission determines that the
27 person violated this chapter or a rule adopted under this chapter.

1 SECTION 2.45. Section 651.505(b), Occupations Code, is
2 amended to read as follows:

3 (b) The department [~~commission~~] shall notify in writing a
4 license holder placed on probation of the probation. The
5 department [~~commission~~] shall furnish the license holder with
6 written probationary orders that detail the actions required by the
7 department [~~commission~~] of the license holder during the probation
8 period.

9 SECTION 2.46. Section 651.5061, Occupations Code, is
10 amended to read as follows:

11 Sec. 651.5061. WAIVER OF HEARING BY FUNERAL OR CREMATORY
12 ESTABLISHMENT. A funeral or crematory establishment alleged to
13 have violated this chapter or a rule adopted under this chapter may
14 waive the right to a hearing as provided by Chapter 51 [~~Section~~
15 ~~651.506~~] by written notification to the department [~~commission~~].

16 SECTION 2.47. Sections 651.656(a) and (c), Occupations
17 Code, are amended to read as follows:

18 (a) A person may not conduct a crematory business in this
19 state unless the person who is the owner or operator of the
20 crematory holds a crematory establishment license issued by the
21 department [~~commission~~].

22 (c) Subsection (b) does not apply to the owner or operator
23 of a crematory registered under this chapter [~~with the commission~~]
24 on September 1, 2003.

25 SECTION 2.48. Sections 651.657(a) and (c), Occupations
26 Code, are amended to read as follows:

27 (a) An applicant for a crematory establishment license

1 must:

2 (1) submit a written license application to the
3 department [~~commission~~];

4 (2) pay the application fee; and

5 (3) provide proof satisfactory to the department
6 [~~commission~~] that the owner or operator of the crematory is trained
7 and certified by a reputable organization approved by the
8 commission, such as the Cremation Association of North America.

9 (c) An application for a license or renewal of a license
10 must be on a form furnished by the department [~~commission~~].

11 SECTION 2.49. Sections 651.658(a), (e), and (f),
12 Occupations Code, are amended to read as follows:

13 (a) To renew a crematory establishment license, the
14 crematory establishment must annually:

15 (1) file a report with the department [~~commission~~]
16 that lists the number of cremations performed at the crematory
17 during the previous year;

18 (2) pay the license renewal fee; and

19 (3) provide the information required by Section
20 651.657 or a written statement that the information has not changed
21 since previously provided.

22 (e) The department [~~commission~~] shall grant an extension
23 for filing the annual report required by this section on the written
24 request of a crematory establishment for good cause. An extension
25 may not exceed 60 days. The department [~~commission~~] may grant
26 additional extensions for good cause.

27 (f) The department [~~commission~~] shall impose a \$100 late fee

1 for each day a crematory establishment fails to submit the annual
2 report required by this section if an extension has not been
3 granted.

4 SECTION 2.50. Section 154.132(b), Finance Code, is amended
5 to read as follows:

6 (b) The website:

7 (1) must include a description of the trust and
8 insurance funding options available under the law of this state to
9 be developed with input from consumers, permit holders, insurers,
10 and funeral providers;

11 (2) may include links to and be linked from the
12 department's website, the Texas Department of Insurance website,
13 and the Texas Department of Licensing and Regulation [~~Funeral~~
14 ~~Service Commission~~] website; and

15 (3) may include additional information or links to
16 additional information that the department determines may be
17 helpful to consumers of prepaid funeral benefits in this state.

18 SECTION 2.51. Section 411.122(d), Government Code, as
19 amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933
20 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009,
21 is reenacted and amended to read as follows:

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

24 (1) Texas Appraiser Licensing and Certification
25 Board;

26 (2) Texas Board of Architectural Examiners;

27 (3) Texas Board of Chiropractic Examiners;

- 1 (4) State Board of Dental Examiners;
- 2 (5) Texas Board of Professional Engineers;
- 3 (6) [~~Texas Funeral Service Commission,~~
- 4 [~~(7)~~] Texas Board of Professional Geoscientists;
- 5 (7) [~~(8)~~] Department of State Health Services, except
- 6 as provided by Section 411.110, and agencies attached to the
- 7 department, including:
- 8 (A) Texas State Board of Examiners of Dietitians;
- 9 (B) Texas State Board of Examiners of Marriage
- 10 and Family Therapists;
- 11 (C) Midwifery Board;
- 12 (D) Texas State Perfusionist Advisory Committee;
- 13 (E) Texas State Board of Examiners of
- 14 Professional Counselors;
- 15 (F) Texas State Board of Social Worker Examiners;
- 16 (G) State Board of Examiners for Speech-Language
- 17 Pathology and Audiology;
- 18 (H) Advisory Board of Athletic Trainers;
- 19 (I) State Committee of Examiners in the Fitting
- 20 and Dispensing of Hearing Instruments;
- 21 (J) Texas Board of Licensure for Professional
- 22 Medical Physicists; and
- 23 (K) Texas Board of Orthotics and Prosthetics;
- 24 (8) [~~(9)~~] Texas Board of Professional Land Surveying;
- 25 (9) [~~(10)~~] Texas Department of Licensing and
- 26 Regulation, except as provided by Section 411.093;
- 27 (10) [~~(11)~~] Texas Commission on Environmental

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

24 SECTION 2.52. Section 572.003(c), Government Code, is
25 amended to read as follows:

26 (c) The term means a member of:

27 (1) the Public Utility Commission of Texas;

- 1 (2) the Texas Department of Economic Development;
- 2 (3) the Texas Commission on Environmental Quality;
- 3 (4) the Texas Alcoholic Beverage Commission;
- 4 (5) The Finance Commission of Texas;
- 5 (6) the Texas Facilities Commission;
- 6 (7) the Texas Board of Criminal Justice;
- 7 (8) the board of trustees of the Employees Retirement
- 8 System of Texas;
- 9 (9) the Texas Transportation Commission;
- 10 (10) [~~the Texas Workers' Compensation Commission,~~
- 11 [~~(11)~~] the Texas Department of Insurance;
- 12 (11) [~~(12)~~] the Parks and Wildlife Commission;
- 13 (12) [~~(13)~~] the Public Safety Commission;
- 14 (13) [~~(14)~~] the Texas Ethics Commission;
- 15 (14) [~~(15)~~] the State Securities Board;
- 16 (15) [~~(16)~~] the Texas Water Development Board;
- 17 (16) [~~(17)~~] the governing board of a public senior
- 18 college or university as defined by Section 61.003, Education Code,
- 19 or of The University of Texas Southwestern Medical Center at
- 20 Dallas, The University of Texas Medical Branch at Galveston, The
- 21 University of Texas Health Science Center at Houston, The
- 22 University of Texas Health Science Center at San Antonio, The
- 23 University of Texas System M. D. Anderson Cancer Center, The
- 24 University of Texas Health Science Center at Tyler, University of
- 25 North Texas Health Science Center at Fort Worth, Texas Tech
- 26 University Health Sciences Center, Texas State Technical
- 27 College--Harlingen, Texas State Technical College--Marshall, Texas

1 State Technical College--Sweetwater, or Texas State Technical
2 College--Waco;

3 (17) [~~(18)~~] the Texas Higher Education Coordinating
4 Board;

5 (18) [~~(19)~~] the Texas Workforce Commission;

6 (19) [~~(21)~~] the board of trustees of the Teacher
7 Retirement System of Texas;

8 (20) [~~(22)~~] the Credit Union Commission;

9 (21) [~~(23)~~] the School Land Board;

10 (22) [~~(24)~~] the board of the Texas Department of
11 Housing and Community Affairs;

12 (23) [~~(25)~~] the Texas Racing Commission;

13 (24) [~~(26)~~] the State Board of Dental Examiners;

14 (25) [~~(27)~~] the Texas Medical [~~State~~] Board [~~of~~
15 ~~Medical Examiners~~];

16 (26) [~~(28)~~] the Board of Pardons and Paroles;

17 (27) [~~(29)~~] the Texas State Board of Pharmacy;

18 (28) [~~(30)~~] the Department of Information Resources
19 governing board;

20 (29) [~~(31)~~] the Motor Vehicle Board;

21 (30) [~~(32)~~] the Texas Real Estate Commission;

22 (31) [~~(33)~~] the board of directors of the State Bar of
23 Texas;

24 (32) [~~(34)~~] the bond review board;

25 (33) [~~(35)~~] the [~~Texas Board of~~] Health and Human
26 Services Commission;

27 (34) [~~(36)~~] ~~the Texas Board of Mental Health and~~

1 ~~Mental Retardation,~~

2 ~~[(37) the Texas Board on Aging,~~

3 ~~[(38) the Texas Board of Human Services,~~

4 ~~[(39) the Texas Funeral Service Commission,~~

5 ~~[(40)]~~ the board of directors of a river authority
6 created under the Texas Constitution or a statute of this state; or

7 (35) ~~[(41)]~~ the Texas Lottery Commission.

8 SECTION 2.53. Section 2054.352(a), Government Code, as
9 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
10 81st Legislature, Regular Session, 2009, is reenacted and amended
11 to read as follows:

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

14 (1) Texas Board of Chiropractic Examiners;

15 (2) Court Reporters Certification Board;

16 (3) State Board of Dental Examiners;

17 (4) ~~[Texas Funeral Service Commission,~~

18 ~~[(5)]~~ Texas Board of Professional Land Surveying;

19 (5) ~~[(6)]~~ Texas Medical Board;

20 (6) ~~[(7)]~~ Texas Board of Nursing;

21 (7) ~~[(8)]~~ Texas Optometry Board;

22 (8) ~~[(9)]~~ Department of Agriculture, for licenses
23 issued under Chapter 1951, Occupations Code;

24 (9) ~~[(10)]~~ Texas State Board of Pharmacy;

25 (10) ~~[(11)]~~ Executive Council of Physical Therapy and
26 Occupational Therapy Examiners;

27 (11) ~~[(12)]~~ Texas State Board of Plumbing Examiners;

- 1 (12) [~~(13)~~] Texas State Board of Podiatric Medical
2 Examiners;
- 3 (13) [~~(14)~~] Texas State Board of Examiners of
4 Psychologists;
- 5 (14) [~~(15)~~] State Board of Veterinary Medical
6 Examiners;
- 7 (15) [~~(16)~~] Texas Real Estate Commission;
- 8 (16) [~~(17)~~] Texas Appraiser Licensing and
9 Certification Board;
- 10 (17) [~~(18)~~] Texas Department of Licensing and
11 Regulation;
- 12 (18) [~~(19)~~] Texas State Board of Public Accountancy;
- 13 (19) [~~(20)~~] State Board for Educator Certification;
- 14 (20) [~~(21)~~] Texas Board of Professional Engineers;
- 15 (21) [~~(22)~~] Department of State Health Services;
- 16 (22) [~~(23)~~] Texas Board of Architectural Examiners;
- 17 (23) [~~(24)~~] Texas Racing Commission;
- 18 (24) [~~(25)~~] Commission on Law Enforcement Officer
19 Standards and Education; and
- 20 (25) [~~(26)~~] Texas Private Security Board.

21 SECTION 2.54. Section 695.001, Health and Safety Code, is
22 amended by amending Subdivision (2) and adding Subdivision (3) to
23 read as follows:

24 (2) "Commission" means the Texas ~~[Funeral Service]~~
25 Commission of Licensing and Regulation.

26 (3) "Department" means the Texas Department of
27 Licensing and Regulation.

1 SECTION 2.55. Section 695.002, Health and Safety Code, is
2 amended to read as follows:

3 Sec. 695.002. IDENTIFICATION OF DECEASED PERSON. The
4 department [~~commission~~] shall ensure a casket contains
5 identification of the deceased person, including the person's name,
6 date of birth, and date of death.

7 SECTION 2.56. Sections 711.004(f) and (h), Health and
8 Safety Code, are amended to read as follows:

9 (f) Except as is authorized for a justice of the peace
10 acting as coroner or medical examiner under Chapter 49, Code of
11 Criminal Procedure, remains may not be removed from a cemetery
12 except on the written order of the state registrar or the state
13 registrar's designee. The cemetery organization shall keep a
14 duplicate copy of the order as part of its records. The Texas
15 [~~Funeral Service~~] Commission of Licensing and Regulation may adopt
16 rules to implement this subsection.

17 (h) If the remains are not reinterred, the person who
18 removes the remains shall:

19 (1) make and keep a record of the disposition of the
20 remains; and

21 (2) not later than the 30th day after the date the
22 remains are removed, provide notice by certified mail to the Texas
23 Department of Licensing and Regulation [~~Funeral Service~~
24 ~~Commission~~] and the Department of State Health Services of the
25 person's intent not to reinter the remains and the reason the
26 remains will not be reinterred.

27 SECTION 2.57. Section 711.007(b), Health and Safety Code,

1 is amended to read as follows:

2 (b) The proceeding may be brought by:

3 (1) the attorney general;

4 (2) the Banking Commissioner of Texas;

5 (3) the governing body of a municipality with a
6 population of more than 25,000, if the cemetery is located in the
7 municipality or not farther than five miles from the municipality;

8 (4) the district attorney of the county, if the
9 cemetery is located in an area of the county not described by
10 Subdivision (3);

11 (5) the owner of a residence:

12 (A) in or near the municipality in which the
13 cemetery is located; or

14 (B) in the area proscribed for the location of a
15 cemetery by Section 711.008;

16 (6) the Texas Department of Licensing and Regulation
17 [~~Funeral Service Commission~~]; or

18 (7) the owner of a plot in the cemetery.

19 SECTION 2.58. Section 711.012(b), Health and Safety Code,
20 is amended to read as follows:

21 (b) The Texas [~~Funeral Service~~] Commission of Licensing and
22 Regulation may adopt rules, establish procedures, and prescribe
23 forms to enforce and administer Sections 711.003, 711.008,
24 711.0105, 711.021-711.034, 711.038, 711.0395, 711.041, 711.042,
25 711.052, 711.061, and 711.062 relating to cemeteries that are not
26 perpetual care cemeteries.

27 SECTION 2.59. Section 711.0515, Health and Safety Code, as

1 added by Chapters 263 (H.B. 1468) and 914 (H.B. 2927), Acts of the
2 81st Legislature, Regular Session, 2009, is reenacted and amended
3 to read as follows:

4 Sec. 711.0515. ENFORCEMENT BY ATTORNEY GENERAL; INJUNCTIVE
5 RELIEF. In addition to bringing an action under Section 711.051,
6 the attorney general at the request of the executive director of the
7 Texas Department of Licensing and Regulation [~~Funeral Service~~
8 ~~Commission~~] may bring an action for injunctive relief to enforce
9 this chapter or a rule or order adopted by the Texas Commission of
10 Licensing and Regulation [~~commission~~] under this chapter.

11 SECTION 2.60. Section 715.003, Health and Safety Code, is
12 amended to read as follows:

13 Sec. 715.003. PARTIES TO ACTION. An action commenced under
14 this chapter shall be brought by the incorporators of the nonprofit
15 corporation on behalf of the nonprofit corporation. The necessary
16 parties to the action on which citation shall be served under
17 Section 715.006 are:

18 (1) the record owners of the real property comprising
19 the historic cemetery;

20 (2) the owners of plots in the cemetery, who may be
21 designated as a class in the petition;

22 (3) the Texas Historical Commission; and

23 (4) the Texas Department of Licensing and Regulation
24 [~~Funeral Service Commission~~].

25 SECTION 2.61. Section 715.006(a), Health and Safety Code,
26 is amended to read as follows:

27 (a) Before the 31st day after the date an action is

1 commenced by a nonprofit corporation under this chapter, the
2 nonprofit corporation shall cause citation to be issued and served
3 by certified mail, return receipt requested, on:

4 (1) the record owners of the real property comprising
5 the cemetery at their last known addresses;

6 (2) the owners of plots in the cemetery at their last
7 known addresses;

8 (3) the Texas Historical Commission at its office in
9 Austin, Texas;

10 (4) the Texas Department of Licensing and Regulation
11 [~~Funeral Service Commission~~]; and

12 (5) the county auditor of the county in which the
13 cemetery is located.

14 SECTION 2.62. Section 716.001, Health and Safety Code, is
15 amended by adding Subdivision (10-a) to read as follows:

16 (10-a) "Department" means the Texas Department of
17 Licensing and Regulation.

18 SECTION 2.63. Section 716.003(b), Health and Safety Code,
19 is amended to read as follows:

20 (b) A crematory, other than a crematory registered under
21 Chapter 651, Occupations Code, [~~with the commission~~] on September
22 1, 2003, must:

23 (1) be adjacent to a perpetual care cemetery or
24 funeral establishment; and

25 (2) be owned or operated by the person that owns or
26 operates the perpetual care cemetery or funeral establishment.

27 SECTION 2.64. Section 716.203(e), Health and Safety Code,

1 is amended to read as follows:

2 (e) The department [~~commission~~] may not initiate
3 disciplinary action against a crematory establishment on the basis
4 of a complaint based on the conduct of an employee, agent, or
5 representative of the establishment that is:

6 (1) performed outside of the scope and authority of
7 employment; or

8 (2) contrary to the written instructions of the
9 crematory establishment.

10 SECTION 2.65. Section 101.002, Occupations Code, is amended
11 to read as follows:

12 Sec. 101.002. COMPOSITION OF COUNCIL. The council consists
13 of 14 members, with one member appointed by each of the following:

- 14 (1) the Texas Board of Chiropractic Examiners;
15 (2) the State Board of Dental Examiners;
16 (3) the Texas Optometry Board;
17 (4) the Texas State Board of Pharmacy;
18 (5) the Texas State Board of Podiatric Medical
19 Examiners;
20 (6) the State Board of Veterinary Medical Examiners;
21 (7) the Texas Medical Board;
22 (8) the Texas Board of Nursing;
23 (9) the Texas State Board of Examiners of
24 Psychologists;
25 (10) the entity that regulates the funeral service
26 industry [~~Texas Funeral Service Commission~~];
27 (11) the entity that regulates the practice of

1 physical therapy;

2 (12) the entity that regulates the practice of
3 occupational therapy;

4 (13) the health licensing division of the Department
5 of State Health Services; and

6 (14) the governor's office.

7 SECTION 2.66. (a) The following sections of the
8 Occupations Code are repealed:

- 9 (1) Section 101.0515;
- 10 (2) Section 651.002;
- 11 (3) Section 651.156;
- 12 (4) Section 651.163;
- 13 (5) Sections 651.165(a), (b), (c), (e), and (f);
- 14 (6) Section 651.166;
- 15 (7) Section 651.167;
- 16 (8) Section 651.202;
- 17 (9) Section 651.203;
- 18 (10) Section 651.204;
- 19 (11) Section 651.254;
- 20 (12) Section 651.259(g);
- 21 (13) Section 651.264;
- 22 (14) Section 651.267(c);
- 23 (15) Section 651.501;
- 24 (16) Section 651.502;
- 25 (17) Section 651.5026;
- 26 (18) Section 651.505(a);
- 27 (19) Section 651.506;

- 1 (20) Section 651.551;
- 2 (21) Section 651.5515;
- 3 (22) Section 651.553;
- 4 (23) Section 651.554;
- 5 (24) Section 651.555;
- 6 (25) Section 651.556;
- 7 (26) Section 651.557;
- 8 (27) Section 651.558;
- 9 (28) Section 651.601; and
- 10 (29) Section 651.658(b).

11 (b) Subchapters B and C, Chapter 651, Occupations Code, are
12 repealed.

13 (c) Section 716.001(3), Health and Safety Code, is
14 repealed.

15 SECTION 2.67. (a) Effective May 1, 2012:

16 (1) the Texas Funeral Service Commission is abolished;

17 (2) all functions and activities performed
18 immediately before that date by the Texas Funeral Service
19 Commission are transferred to the Texas Department of Licensing and
20 Regulation;

21 (3) a rule, form, policy, procedure, or decision of
22 the Texas Funeral Service Commission continues in effect as a rule,
23 form, policy, procedure, or decision of the Texas Commission of
24 Licensing and Regulation and remains in effect until amended or
25 replaced by the commission;

26 (4) a reference in law or administrative rule to the
27 Texas Funeral Service Commission means the Texas Department of

1 Licensing and Regulation;

2 (5) all money, contracts, leases, rights, property,
3 records, and bonds and other obligations of the Texas Funeral
4 Service Commission are transferred to the Texas Department of
5 Licensing and Regulation;

6 (6) a court case, administrative proceeding, contract
7 negotiation, or other proceeding involving the Texas Funeral
8 Service Commission is transferred without change in status to the
9 Texas Department of Licensing and Regulation, and the Texas
10 Department of Licensing and Regulation assumes, without a change in
11 status, the position of the Texas Funeral Service Commission in a
12 negotiation or proceeding relating to an activity transferred by
13 this Act to the Texas Department of Licensing and Regulation to
14 which the Texas Funeral Service Commission is a party; and

15 (7) any unexpended and unobligated balance of money
16 appropriated by the legislature for the Texas Funeral Service
17 Commission is transferred to the Texas Department of Licensing and
18 Regulation.

19 (b) In the period beginning on January 1, 2012, and ending
20 on April 30, 2012:

21 (1) the Texas Funeral Service Commission shall
22 continue to perform functions and activities under Chapter 651,
23 Occupations Code, and other law as if the law had not been amended
24 or repealed, as applicable, and the former law is continued in
25 effect for that purpose; and

26 (2) a person who is authorized or required by law to
27 take an action relating to the Texas Funeral Service Commission or a

1 member of the commission shall continue to take that action under
2 the law as if the law had not been amended or repealed, as
3 applicable, and the former law is continued in effect for that
4 purpose.

5 SECTION 2.68. Before May 1, 2012, the Texas Funeral Service
6 Commission may agree with the Texas Department of Licensing and
7 Regulation to transfer any property of the Texas Funeral Service
8 Commission to the Texas Department of Licensing and Regulation to
9 implement the transfer required by Section 67 of this Act.

10 SECTION 2.69. To the extent of any conflict, this Act
11 prevails over another Act of the 82nd Legislature, Regular Session,
12 2011, relating to nonsubstantive additions to and corrections in
13 enacted codes.

14 ARTICLE 3: TRANSFER OF THE FUNCTIONS OF THE TEXAS STATE BOARD OF
15 PLUMBING EXAMINERS TO THE TEXAS DEPARTMENT OF REGULATION.

16 SECTION 3.1. Section 1301.002, Occupations Code, is amended
17 by amending Subdivisions (1), (1-a), (2), (3), (4), (6), (8), (9),
18 and (11) and adding Subdivision (1-b) to read as follows:

19 (1) "Commission" means the Texas Commission on
20 Licensing and Regulation.

21 (1-a) "Department" [(1) "Board"] means the Texas
22 Department of Licensing and Regulation [State Board of Plumbing
23 Examiners].

24 (1-b) [(1-a)] "Executive director" means the
25 executive director of the Texas Department of Licensing and
26 Regulation [State Board of Plumbing Examiners].

27 (2) "Drain cleaner" means a person who:

1 (A) has completed at least 4,000 hours working
2 under the supervision of a master plumber as a drain
3 cleaner-restricted registrant;

4 (B) has fulfilled the requirements of and is
5 registered with the department [~~board~~]; and

6 (C) installs cleanouts and removes and resets
7 p-traps to eliminate obstructions in building drains and sewers
8 under the supervision of a responsible master plumber.

9 (3) "Drain cleaner-restricted registrant" means a
10 person who:

11 (A) has worked as a plumber's apprentice under
12 the supervision of a master plumber;

13 (B) has fulfilled the requirements of and is
14 registered with the department [~~board~~]; and

15 (C) clears obstructions in sewer and drain lines
16 through any code-approved existing opening under the supervision of
17 a responsible master plumber.

18 (4) "Journeyman plumber" means a person licensed under
19 this chapter who:

20 (A) has met the qualifications for registration
21 as a plumber's apprentice or for licensing as a tradesman
22 plumber-limited license holder;

23 (B) has completed at least 8,000 hours working
24 under the supervision of a master plumber;

25 (C) installs, changes, repairs, services, or
26 renovates plumbing or supervises any of those activities under the
27 supervision of a responsible master plumber;

1 (D) has passed the required examination; and

2 (E) has fulfilled the other requirements of the
3 department [~~board~~].

4 (6) "Plumber's apprentice" means a person other than a
5 master plumber, journeyman plumber, or tradesman plumber-limited
6 license holder who, as the person's principal occupation, learns
7 about and assists in the installation of plumbing, has fulfilled
8 the requirements of and is registered by the department [~~board~~],
9 and works under the supervision of a responsible master plumber and
10 the direct supervision of a licensed plumber.

11 (8) "Plumbing inspector" means a person who:

12 (A) is employed by a political subdivision or
13 state agency, or contracts as an independent contractor with a
14 political subdivision or state agency, to inspect plumbing in
15 connection with health and safety laws, including ordinances, and
16 plumbing and gas codes;

17 (B) has passed the required examination; and

18 (C) has fulfilled the other requirements of the
19 department [~~board~~].

20 (9) "Residential utilities installer" means a person
21 who:

22 (A) has completed at least 2,000 hours working
23 under the supervision of a master plumber as a plumber's
24 apprentice;

25 (B) has fulfilled the requirements of and is
26 registered with the department [~~board~~]; and

27 (C) constructs and installs yard water service

1 piping for one-family or two-family dwellings and building sewers
2 under the supervision of a responsible master plumber.

3 (11) "Water supply protection specialist" means a
4 person who holds an endorsement issued by the department [~~board~~] to
5 engage in the inspection, in connection with health and safety
6 laws, including ordinances, of:

7 (A) the plumbing of a public water system
8 distribution facility; or

9 (B) customer-owned plumbing connected to the
10 water distribution lines of a public water system.

11 SECTION 3.2. Section 1301.002(5), Occupations Code, as
12 amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of
13 the 81st Legislature, Regular Session, 2009, is reenacted and
14 amended to read as follows:

15 (5) "Master plumber" means a person licensed under
16 this chapter who:

17 (A) is skilled in the design, planning, and
18 superintending of plumbing and in the practical installation,
19 repair, and servicing of plumbing;

20 (B) has worked as a journeyman plumber:

21 (i) for at least four years; or

22 (ii) for at least one year and has
23 successfully completed a training program approved by the United
24 States Department of Labor Office of Apprenticeship or another
25 nationally recognized apprentice training program accepted by the
26 department [~~board~~];

27 (C) performs or supervises plumbing work;

- 1 (D) has passed the required examination; and
2 (E) has fulfilled the other requirements of the
3 department [~~board~~].

4 SECTION 3.3. Section 1301.002(10), Occupations Code, as
5 amended by Chapters 804 (S.B. 1410) and 1380 (S.B. 1354), Acts of
6 the 81st Legislature, Regular Session, 2009, is reenacted and
7 amended to read as follows:

8 (10) "Tradesman plumber-limited license holder" means
9 a person who:

10 (A) has completed at least 4,000 hours working
11 under the direct supervision of a journeyman or master plumber as a
12 plumber's apprentice;

13 (B) has passed the required examination; [~~and~~]

14 (C) constructs and installs plumbing for
15 one-family or two-family dwellings under the supervision of a
16 responsible master plumber; and

17 (D) has fulfilled the other requirements of the
18 department [~~board~~].

19 SECTION 3.4. Section 1301.056, Occupations Code, is amended
20 to read as follows:

21 Sec. 1301.056. LAWN IRRIGATION SYSTEMS. A person licensed
22 by the department [~~board~~] is not required to be licensed by another
23 [~~board or~~] agency to install or work on a lawn irrigation system.

24 SECTION 3.5. Section 1301.057, Occupations Code, is amended
25 to read as follows:

26 Sec. 1301.057. SELF-HELP PROJECT. (a) A person is not
27 required to be licensed under this chapter to perform plumbing,

1 limited to the provision of a residential potable water supply or
2 residential sanitary sewer connection, for a project that:

3 (1) is in a county a part of which is within 50 miles of
4 an international border; and

5 (2) is performed by an organization that:

6 (A) is certified by the Texas Commission on
7 Environmental Quality [~~Natural Resource Conservation Commission~~]
8 to provide self-help project assistance; and

9 (B) provides the department [~~board~~] with the
10 following information before the 30th day before the date the
11 project begins:

- 12 (i) the exact location of the project;
13 (ii) the intended duration of the project;
14 and
15 (iii) other information the department
16 [~~board~~] requires.

17 (b) The department [~~board~~] may require under Subsection
18 (a)(2)(B)(iii) that the organization provide a post-construction
19 report signed by a plumbing inspector stating that the plumbing is
20 safe.

21 (c) The department [~~board~~] may provide training to an
22 organization that provides self-help project assistance under this
23 section.

24 SECTION 3.6. The heading to Subchapter D, Chapter 1301,
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER D. DEPARTMENT [~~EXECUTIVE DIRECTOR~~
27 [~~AND OTHER BOARD~~] PERSONNEL

1 SECTION 3.7. Section 1301.202, Occupations Code, is amended
2 to read as follows:

3 Sec. 1301.202. PLUMBING EXAMINER. (a) The department
4 [~~board~~] shall employ one or more plumbing examiners. A plumbing
5 examiner serves at the will of the department [~~board~~].

6 (b) A plumbing examiner shall:

7 (1) examine the fitness and qualifications of a person
8 applying to the department [~~board~~] for a license as a master
9 plumber, journeyman plumber, tradesman plumber-limited license
10 holder, or plumbing inspector; and

11 (2) promptly certify the result of the examination to
12 the department [~~board~~].

13 SECTION 3.8. Section 1301.203(a), Occupations Code, is
14 amended to read as follows:

15 (a) The department [~~board~~] may employ a field
16 representative to assist the department [~~board~~] in enforcing this
17 chapter and rules adopted under this chapter. A field
18 representative must:

19 (1) hold a license as a plumber under this chapter;

20 (2) be knowledgeable of this chapter and municipal
21 ordinances relating to plumbing; and

22 (3) be qualified by experience and training in
23 plumbing practice.

24 SECTION 3.9. The heading to Subchapter E, Chapter 1301,
25 Occupations Code, is amended to read as follows:

26 SUBCHAPTER E. ADMINISTRATION OF CHAPTER [~~BOARD POWERS~~

27 [~~AND DUTIES~~]

1 SECTION 3.10. Section 1301.251, Occupations Code, is
2 amended to read as follows:

3 Sec. 1301.251. GENERAL DUTIES OF DEPARTMENT AND COMMISSION

4 [~~BOARD~~]. (a) The department [~~board~~] shall[+]

5 [~~(1)~~] administer and enforce this chapter. [+]

6 (b) The commission shall [~~(2)~~] adopt [~~and enforce~~] rules
7 necessary to administer this chapter. [~~and~~]

8 (c) The department shall [~~(3)~~] keep a record of each
9 proceeding conducted before and action taken by the department or
10 commission relating to this chapter [~~board~~].

11 SECTION 3.11. Sections 1301.255(a), (b), (c), and (d),
12 Occupations Code, are amended to read as follows:

13 (a) The commission [~~board~~] shall adopt the following
14 plumbing codes, as those codes existed on May 31, 2001:

15 (1) the Uniform Plumbing Code, as published by the
16 International Association of Plumbing and Mechanical Officials;
17 and

18 (2) the International Plumbing Code, as published by
19 the International Code Council.

20 (b) The commission [~~board~~] by rule may adopt later editions
21 of the plumbing codes listed in Subsection (a).

22 (c) Plumbing installed in an area not otherwise subject to
23 regulation under this chapter by a person licensed under this
24 chapter must be installed in accordance with a plumbing code
25 adopted by the commission [~~board~~] under Subsection (a) or (b).

26 (d) In adopting a code for the design, installation, and
27 maintenance of a plumbing system under this section, a municipality

1 or an owner of a public water system may amend any provisions of the
2 code to conform to local concerns that do not substantially vary
3 from commission [~~board~~] rules or other rules of this state.

4 SECTION 3.12. Section 1301.258, Occupations Code, as added
5 by Chapter 1276 (H.B. 3507), Acts of the 78th Legislature, Regular
6 Session, 2003, is amended to read as follows:

7 Sec. 1301.258. ADVISORY COMMITTEES. The department [~~board~~]
8 may appoint advisory committees as it considers necessary. An
9 advisory committee member shall serve without compensation or
10 reimbursement. The committee [~~and~~] is subject to Section 2110.008,
11 Government Code.

12 SECTION 3.13. Section 1301.262, Occupations Code, is
13 amended to read as follows:

14 Sec. 1301.262. PLUMBING INSPECTOR CODE OF CONDUCT. The
15 commission [~~board~~] by rule shall establish a code of conduct for
16 licensed plumbing inspectors. The code of conduct shall require a
17 plumbing inspector to enforce this chapter and commission [~~board~~]
18 rules in a consistent manner across job sites.

19 SECTION 3.14. The heading to Subchapter F, Chapter 1301,
20 Occupations Code, is amended to read as follows:

21 SUBCHAPTER F. CONSUMER INTEREST INFORMATION

22 [~~AND COMPLAINT PROCEDURES~~]

23 SECTION 3.15. Section 1301.302, Occupations Code, is
24 amended to read as follows:

25 Sec. 1301.302. CONTRACT INFORMATION. A written proposal,
26 invoice, or contract relating to plumbing services performed by or
27 under the direction of a plumber licensed under this chapter must

1 contain the name and license number of the responsible master
2 plumber and the name, mailing address, and telephone number of the
3 department [~~board~~].

4 SECTION 3.16. Section 1301.352, Occupations Code, is
5 amended to read as follows:

6 Sec. 1301.352. EXAMINATION REQUIRED. The department
7 [~~board~~] shall issue a license or endorsement as a master plumber,
8 journeyman plumber, plumbing inspector, tradesman plumber-limited
9 license holder, medical gas piping installation endorsement
10 holder, water supply protection specialist, or multipurpose
11 residential fire protection sprinkler specialist to a person who
12 demonstrates the fitness, competence, and qualifications to
13 receive the license or endorsement by passing a uniform, reasonable
14 examination.

15 SECTION 3.17. Section 1301.3522, Occupations Code, is
16 amended to read as follows:

17 Sec. 1301.3522. EXAMINATION REVIEW COURSE. (a) The
18 department [~~board~~] shall develop a review course in English and
19 Spanish to assist license applicants in preparation for each
20 license examination relating to this chapter offered by the
21 department [~~board~~]. If the department [~~board~~] provides the review
22 course, the department [~~board~~] may charge a fee to an applicant who
23 applies to take the review course.

24 (b) The department [~~board~~] may provide the review course
25 training materials to private course providers for a fee determined
26 by the department [~~board~~].

27 SECTION 3.18. Section 1301.353, Occupations Code, is

1 amended to read as follows:

2 Sec. 1301.353. INSPECTOR CONFLICTS PROHIBITED. The
3 department [~~board~~] may not issue a plumbing inspector license to a
4 person who has a financial or advisory interest in a plumbing
5 company.

6 SECTION 3.19. Sections 1301.354(b), (b-1), (c), and (d),
7 Occupations Code, are amended to read as follows:

8 (b) A person who has worked as a plumber's apprentice for a
9 period established by law or commission [~~board~~] rule may apply to
10 take an examination for a license as a journeyman plumber or
11 tradesman plumber-limited license holder. Before the applicant may
12 take the examination, the applicant must complete classroom
13 training provided by a department-approved [~~board-approved~~]
14 instructor in a department-approved [~~board-approved~~] training
15 program in the areas of health and safety, applicable plumbing
16 codes, and water conservation for at least:

17 (1) 24 hours if the applicant is applying to take a
18 tradesman plumber-limited license holder examination; or

19 (2) 48 hours if the applicant is applying to take a
20 journeyman plumber examination.

21 (b-1) At the applicant's request, the department [~~board~~]
22 may credit an applicant under Subsection (b) with a number of hours
23 determined by commission [~~board~~] rule against the number of hours
24 of work experience required to take an examination if the applicant
25 has received an associate of applied science degree from a plumbing
26 technology program that:

27 (1) includes a combination of classroom and on-the-job

1 training; and

2 (2) is approved by the department [~~board~~] and the
3 Texas Higher Education Coordinating Board.

4 (c) At the applicant's request, the department [~~board~~] may
5 credit an applicant under Subsection (b) with up to 500 hours of the
6 work experience required before taking an examination if the
7 applicant has completed the classroom portion of a training
8 program:

9 (1) approved by the United States Department of Labor,
10 Office of Apprenticeship; or

11 (2) provided by a person approved by the department
12 [~~board~~] and based on course materials approved by the department
13 [~~board~~].

14 (d) Notwithstanding the classroom training required by
15 Subsection (b), a plumber's apprentice may apply for and take an
16 examination for a license as a journeyman plumber or tradesman
17 plumber-limited license holder if the apprentice has received an
18 associate of applied science degree from a plumbing technology
19 program that:

20 (1) includes a combination of classroom and on-the-job
21 training; and

22 (2) is approved by the department [~~board~~] and the
23 Texas Higher Education Coordinating Board.

24 SECTION 3.20. Section 1301.3541, Occupations Code, is
25 amended to read as follows:

26 Sec. 1301.3541. APPRENTICE REGISTRATION REQUIREMENTS. The
27 commission [~~board~~] by rule may adopt registration requirements for

1 plumber's apprentices, including training and education
2 requirements.

3 SECTION 3.21. Sections 1301.356(c) and (e), Occupations
4 Code, are amended to read as follows:

5 (c) An endorsement under this section is valid for three
6 years and may be renewed as provided by commission [~~board~~] rule.

7 (e) A plumbing inspector who meets the requirements of the
8 department [~~board~~] may hold a medical gas endorsement and inspect
9 medical gas piping installations.

10 SECTION 3.22. Sections 1301.3565(b), (c), and (f),
11 Occupations Code, are amended to read as follows:

12 (b) The department [~~board~~] shall issue an endorsement as a
13 multipurpose residential fire protection sprinkler specialist to a
14 person who:

15 (1) holds the license described by Subsection (a);

16 (2) applies to the department [~~board~~] on a form
17 prescribed by the department [~~board~~];

18 (3) pays a fee set by the commission [~~board~~];

19 (4) presents evidence satisfactory to the department
20 [~~board~~] of successful completion of a training program approved by
21 the department [~~board~~] that provides the training necessary for the
22 proper installation of a multipurpose residential fire protection
23 sprinkler system as required by the applicable codes and standards
24 recognized by the state; and

25 (5) passes an examination required by the department
26 [~~board~~].

27 (c) An endorsement issued under this section is valid until

1 the third anniversary of the date of issuance and may be renewed on
2 compliance with any requirements prescribed by commission [~~board~~]
3 rule.

4 (f) A plumbing inspector who meets the requirements of the
5 department [~~board~~] may inspect a multipurpose residential fire
6 protection sprinkler installation.

7 SECTION 3.23. Sections 1301.357(b) and (c), Occupations
8 Code, are amended to read as follows:

9 (b) The department [~~board~~] shall issue an endorsement as a
10 water supply protection specialist to a person who:

11 (1) is licensed under this chapter as a master plumber
12 or journeyman plumber;

13 (2) applies to the department [~~board~~] on a form
14 prescribed by the department [~~board~~];

15 (3) pays a fee set by the commission [~~board~~];

16 (4) presents evidence satisfactory to the department
17 [~~board~~] of successful completion of a certification program
18 approved by the department [~~board~~] for water supply protection
19 specialists; and

20 (5) passes an examination required by the department
21 [~~board~~].

22 (c) An endorsement issued under this section is valid until
23 the third anniversary of the date of issuance and may be renewed on
24 compliance with any requirements prescribed by commission [~~board~~]
25 rule.

26 SECTION 3.24. Section 1301.3575, Occupations Code, is
27 amended to read as follows:

1 Sec. 1301.3575. REGISTRATION OF CERTAIN PERSONS. The
2 department [~~board~~] shall register a person who complies with this
3 chapter as a drain cleaner, drain cleaner-restricted registrant,
4 residential utilities installer, or plumber's apprentice.

5 SECTION 3.25. Section 1301.3576, Occupations Code, is
6 amended to read as follows:

7 Sec. 1301.3576. CERTIFICATE OF INSURANCE FOR RESPONSIBLE
8 MASTER PLUMBER. When a person is issued a master plumber's license,
9 the person must provide the department [~~board~~] with a certificate
10 of insurance that meets the requirements of Section 1301.552 before
11 the person works as a responsible master plumber.

12 SECTION 3.26. Section 1301.358, Occupations Code, is
13 amended to read as follows:

14 Sec. 1301.358. OUT-OF-STATE APPLICANTS; PROVISIONAL
15 LICENSE. (a) The department [~~board~~] may waive any prerequisite to
16 obtaining a license for an applicant after reviewing the
17 applicant's credentials and determining that the applicant holds a
18 license issued by another jurisdiction that has licensing
19 requirements substantially equivalent to those of this state.

20 (b) The department [~~board~~] may issue a provisional license
21 to an applicant currently licensed in another jurisdiction who
22 seeks a license in this state and who:

23 (1) has been licensed in good standing as a plumber for
24 at least two years in another jurisdiction, including a foreign
25 country, that has licensing requirements substantially equivalent
26 to the requirements of this chapter;

27 (2) has passed a national or other examination

1 recognized by the department [~~board~~] relating to the practice of
2 plumbing; and

3 (3) is sponsored by a person licensed by the
4 department [~~board~~] under this chapter with whom the provisional
5 license holder will practice during the time the person holds a
6 provisional license.

7 (c) The department [~~board~~] may waive the requirement of
8 Subsection (b)(3) for an applicant if the department [~~board~~]
9 determines that compliance with that subdivision would be a
10 hardship to the applicant.

11 (d) A provisional license is valid until the date the
12 department [~~board~~] approves or denies the provisional license
13 holder's application for a license. The department [~~board~~] shall
14 issue a license under this chapter to the provisional license
15 holder if:

16 (1) the provisional license holder is eligible to be
17 licensed under Subsection (a); or

18 (2) the provisional license holder passes the part of
19 the examination under Section 1301.352 that relates to the
20 applicant's knowledge and understanding of the laws and rules
21 relating to the practice of plumbing in this state and:

22 (A) the department [~~board~~] verifies that the
23 provisional license holder meets the academic and experience
24 requirements for a license under this chapter; and

25 (B) the provisional license holder satisfies any
26 other licensing requirements under this chapter.

27 (e) The department [~~board~~] must approve or deny a

1 provisional license holder's application for a license not later
2 than the 180th day after the date the provisional license is issued.
3 The department [~~board~~] may extend the 180-day period if the results
4 of an examination have not been received by the department [~~board~~]
5 before the end of that period.

6 (f) The department [~~board~~] may establish a fee for
7 provisional licenses in an amount reasonable and necessary to cover
8 the cost of issuing the license.

9 SECTION 3.27. Section 1301.401, Occupations Code, is
10 amended to read as follows:

11 Sec. 1301.401. ANNUAL RENEWAL REQUIRED. [~~(a)~~] A license or
12 registration under this chapter is valid for one year. On payment
13 of the required fee, a license may be renewed annually.

14 [~~(b) The board by rule may adopt a system under which~~
15 ~~licenses, endorsements, and registrations expire on various dates~~
16 ~~during the year.~~]

17 SECTION 3.28. Section 1301.402, Occupations Code, is
18 amended to read as follows:

19 Sec. 1301.402. NOTICE OF CHANGE OF ADDRESS [~~LICENSE,~~
20 ~~ENDORSEMENT, OR REGISTRATION EXPIRATION~~]. A [~~(a) Not later than~~
21 ~~the 31st day before the expiration date of a person's license,~~
22 ~~endorsement, or registration, the board shall send written notice~~
23 ~~of the impending expiration to the person at the person's last known~~
24 ~~address according to board records.~~

25 [~~(b) The~~] person shall notify the board of any change of
26 name or address not later than the 30th day after the date of
27 receipt of the written notice of the impending expiration of the

1 person's license [~~of any change of name or address~~].

2 SECTION 3.29. Sections 1301.403(b), (c), (e), and (f),
3 Occupations Code, are amended to read as follows:

4 (b) A person whose license or endorsement has been expired
5 for 90 days or less may renew the license or endorsement by paying
6 to the department [~~agency~~] a renewal fee that is equal to 1-1/2
7 times the normally required renewal fee. A person whose
8 registration has been expired for 90 days or less may renew the
9 registration by paying to the department [~~board~~] a renewal fee that
10 is equal to 1-1/2 times the normally required renewal fee.

11 (c) A person whose license or endorsement has been expired
12 for more than 90 days but less than two years may renew the license
13 or endorsement by paying to the department [~~agency~~] a renewal fee
14 that is equal to two times the normally required renewal fee. A
15 person whose registration has been expired for more than 90 days but
16 less than two years may renew the registration by paying to the
17 department [~~board~~] a renewal fee that is equal to two times the
18 normally required renewal fee.

19 (e) A person who held a license, endorsement, or
20 registration in this state, moved to another state, and is
21 currently holding a license, endorsement, or registration and has
22 been in practice in the other state for the two years preceding the
23 date of application may obtain a new license, endorsement, or
24 registration without reexamination. The person must pay to the
25 department [~~agency~~] a fee that is equal to two times the normally
26 required renewal fee for the license, endorsement, or registration.

27 (f) Not later than the 30th day before the date a person's

1 license, endorsement, or registration is scheduled to expire, the
2 department [~~agency~~] shall send written notice of the impending
3 expiration to the person at the person's last known address
4 according to the records of the department [~~agency~~].

5 SECTION 3.30. Section 1301.404, Occupations Code, is
6 amended to read as follows:

7 Sec. 1301.404. MANDATORY CONTINUING PROFESSIONAL
8 EDUCATION. (a) [~~The board shall recognize, approve, and~~
9 ~~administer continuing education programs for persons who hold~~
10 ~~licenses or endorsements under this chapter.~~

11 [~~(b)~~] A person who holds a license or endorsement under this
12 chapter must complete at least six hours of continuing professional
13 education each year the person holds the license or endorsement to
14 renew the person's license or endorsement. Three of the six hours
15 must be in the subjects of health protection, energy conservation,
16 and water conservation.

17 (b) [~~(c)~~] The commission [~~board~~] by rule shall adopt the
18 criteria for the continuing professional education.

19 (c) [~~(d)~~] A person may receive credit for participating in a
20 continuing professional education program or course only if the
21 program or course is provided:

22 (1) by an individual, business, or association
23 approved by the department [~~board~~]; and

24 (2) according to criteria adopted by the commission
25 [~~board~~].

26 (d) [~~(e)~~] A person may complete the continuing professional
27 education requirement of this section through an online [~~a~~

1 ~~correspondence~~] course as approved by the department [~~board~~].

2 (e) [~~(f)~~] The commission [~~board~~] by rule may exempt certain
3 persons from the requirements of this section if the commission
4 [~~board~~] determines that the exemption is in the public interest.

5 SECTION 3.31. Section 1301.405, Occupations Code, is
6 amended to read as follows:

7 Sec. 1301.405. MANDATORY TRAINING FOR DRAIN CLEANER, DRAIN
8 CLEANER-RESTRICTED REGISTRANT, AND RESIDENTIAL UTILITIES
9 INSTALLER. (a) To renew the certificate of registration, a person
10 who holds a certificate of registration under this chapter as a
11 drain cleaner, drain cleaner-restricted registrant, or residential
12 utilities installer must annually complete at least six hours of
13 approved training that includes training in health and safety
14 requirements, commission-approved [~~board-approved~~] plumbing
15 codes, and water conservation.

16 (b) A person may receive credit for participating in a
17 training program only if the program is provided:

18 (1) by a person approved by the department [~~board~~];

19 and

20 (2) according to criteria adopted by the commission
21 [~~board~~].

22 (c) The commission [~~board~~] by rule may exempt certain
23 persons from the requirements of this section if the department
24 [~~board~~] determines that the exemption is in the public interest.

25 SECTION 3.32. Section 1301.452(a), Occupations Code, is
26 amended to read as follows:

27 (a) A person is subject to disciplinary action under Chapter

1 51 [~~Section 1301.451~~] if the person violates this chapter, an order
2 issued by the commission or department under this chapter [~~board~~],
3 or a commission [~~board~~] rule adopted under this chapter. A
4 violation of this chapter includes:

5 (1) obtaining a license, endorsement, or registration
6 through error or fraud;

7 (2) wilfully, negligently, or arbitrarily violating a
8 municipal rule or ordinance that regulates sanitation, drainage, or
9 plumbing;

10 (3) making a misrepresentation of services provided or
11 to be provided;

12 (4) making a false promise with the intent to induce a
13 person to contract for a service; or

14 (5) employing a person who does not hold a license or
15 endorsement or who is not registered to engage in an activity for
16 which a license, endorsement, or registration is required under
17 this chapter.

18 SECTION 3.33. Section 1301.501(b), Occupations Code, is
19 amended to read as follows:

20 (b) The commission [~~board~~] shall adopt rules under this
21 section that include a list describing the types of plumbing to
22 which this section applies.

23 SECTION 3.34. Section 1301.502(b), Occupations Code, is
24 amended to read as follows:

25 (b) The commission [~~board~~] shall adopt guidelines relating
26 to the circumstances when a field representative may issue a
27 citation. The guidelines must encourage the use of other

1 enforcement measures, including imposition of administrative
2 penalties, before the issuance of a citation.

3 SECTION 3.35. Section 1301.507, Occupations Code, is
4 amended to read as follows:

5 Sec. 1301.507. CIVIL PENALTY. A person who violates this
6 chapter or a rule, permit, or order of the commission or department
7 adopted under this chapter [~~board~~] is subject to a civil penalty of
8 not less than \$50 or more than \$1,000 for each act of violation and
9 for each day of violation after notice is provided to the person.

10 SECTION 3.36. Section 1301.5071, Occupations Code, is
11 amended to read as follows:

12 Sec. 1301.5071. INFORMAL SETTLEMENT CONFERENCE;
13 RESTITUTION. (a) The commission [~~board~~] by rule shall establish
14 procedures under which an informal settlement conference is
15 conducted to resolve a complaint against a person licensed under
16 this chapter.

17 (b) Subject to Subsection (c), the department [~~board~~] may
18 order a person licensed under this chapter to pay restitution to a
19 person as provided in an agreement resulting from an informal
20 settlement conference instead of or in addition to assessing an
21 administrative penalty under Chapter 51 [~~Subchapter N~~].

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

1 SECTION 3.37. Section 1301.552, Occupations Code, is
2 amended to read as follows:

3 Sec. 1301.552. CERTIFICATE OF INSURANCE FOR PLUMBING PERMIT
4 IN POLITICAL SUBDIVISION. A political subdivision that requires a
5 plumbing contractor to obtain a permit before performing plumbing
6 in the political subdivision shall verify through the department's
7 [~~board's~~] Internet website, or by contacting the department [~~board~~]
8 by telephone, that the plumbing contractor has on file with the
9 department [~~board~~] a certificate of insurance. The certificate of
10 insurance must:

11 (1) be written by a company licensed to do business in
12 this state;

13 (2) provide for commercial general liability
14 insurance for the master plumber for a claim for property damage or
15 bodily injury, regardless of whether the claim arises from
16 negligence or on a contract; and

17 (3) provide coverage of not less than \$300,000 for all
18 claims arising in a one-year period.

19 SECTION 3.38. Section 132.002(a), Education Code, is
20 amended to read as follows:

21 (a) The following schools or educational institutions may
22 be exempted from this chapter by the commission under Subsection
23 (d):

24 (1) a school or educational institution supported by
25 taxation from either a local or state source;

26 (2) a nonprofit school owned, controlled, operated,
27 and conducted by a bona fide religious, denominational,

1 eleemosynary, or similar public institution exempt from property
2 taxation under the laws of this state;

3 (3) a school or training program that offers
4 instruction of purely avocational or recreational subjects as
5 determined by the commission;

6 (4) a course or courses of instruction or study
7 sponsored by an employer for the training and preparation of its own
8 employees, and for which no tuition fee is charged to the student;

9 (5) a course or courses of study or instruction
10 sponsored by a recognized trade, business, or professional
11 organization for the instruction of the members of the organization
12 with a closed membership;

13 (6) a private college or university that awards a
14 recognized baccalaureate, or higher degree, and that maintains and
15 operates educational programs for which a majority of the credits
16 given are transferable to a college, junior college, or university
17 supported entirely or partly by taxation from either a local or
18 state source;

19 (7) a school or course that is otherwise regulated and
20 approved under and pursuant to any other law or rulemaking process
21 of this state or approved for continuing education credit by an
22 organization that accredits courses for the maintenance of a
23 license, except as provided by Subsection (c);

24 (8) an aviation school or instructor approved by and
25 under the supervision of the Federal Aviation Administration;

26 (9) a school that offers intensive review of a
27 student's acquired education, training, or experience to prepare

1 the student for an examination, other than a high school
2 equivalency examination, that the student by law may not take
3 unless the student has completed or substantially completed a
4 particular degree program, or that the student is required to take
5 as a precondition for enrollment in or admission to a particular
6 degree program;

7 (10) a private school offering primary or secondary
8 education, which may include a kindergarten or prekindergarten
9 program, and that satisfies the compulsory attendance requirements
10 of Section 25.085 pursuant to Section 25.086(a)(1);

11 (11) a course or courses of instruction by bona fide
12 electrical trade associations for the purpose of preparing students
13 for electrical tests required for licensing and for the purpose of
14 providing continuing education to students for the renewal of
15 electrical licenses;

16 (12) a nonprofit arts organization that has as its
17 primary purpose the provision of instruction in the dramatic arts
18 and the communications media to persons younger than 19 years of
19 age;

20 (13) a course or training program conducted by a
21 nonprofit association of air conditioning and refrigeration
22 contractors approved by the Air Conditioning and Refrigeration
23 Contractors Advisory Board to provide instruction for technical,
24 business, or license examination preparation programs relating to
25 air conditioning and refrigeration contracting, as that term is
26 defined by Chapter 1302, Occupations Code;

27 (14) a course of instruction by a plumbing trade

1 association to prepare students for a plumbing test or program
2 required for licensing, certification, or endorsement or to provide
3 continuing education approved by the Texas Commission on Licensing
4 and Regulation [~~State Board of Plumbing Examiners~~]; and

5 (15) a course of instruction in the use of
6 technological hardware or software if the course is offered to a
7 purchaser of the hardware or software or to the purchaser's
8 employee by a person who manufactures and sells, or develops and
9 sells, the hardware or software, and if the seller is not primarily
10 in the business of providing courses of instruction in the use of
11 the hardware or software, as determined by the commission.

12 SECTION 3.39. Section 411.122(d), Government Code, as
13 amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933
14 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009,
15 is reenacted and amended to read as follows:

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

18 (1) Texas Appraiser Licensing and Certification
19 Board;

20 (2) Texas Board of Architectural Examiners;

21 (3) Texas Board of Chiropractic Examiners;

22 (4) State Board of Dental Examiners;

23 (5) Texas Board of Professional Engineers;

24 (6) Texas Funeral Service Commission;

25 (7) Texas Board of Professional Geoscientists;

26 (8) Department of State Health Services, except as
27 provided by Section 411.110, and agencies attached to the

1 department, including:

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

3 (B) Texas State Board of Examiners of Marriage
4 and Family Therapists;

5 (C) Midwifery Board;

6 (D) Texas State Perfusionist Advisory Committee;

7 (E) Texas State Board of Examiners of
8 Professional Counselors;

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

10 (G) State Board of Examiners for Speech-Language
11 Pathology and Audiology;

12 (H) Advisory Board of Athletic Trainers;

13 (I) State Committee of Examiners in the Fitting
14 and Dispensing of Hearing Instruments;

15 (J) Texas Board of Licensure for Professional
16 Medical Physicists; and

17 (K) Texas Board of Orthotics and Prosthetics;

18 (9) Texas Board of Professional Land Surveying;

19 (10) Texas Department of Licensing and Regulation,
20 except as provided by Section 411.093;

21 (11) Texas Commission on Environmental Quality;

22 (12) Texas Board of Occupational Therapy Examiners;

23 (13) Texas Optometry Board;

24 (14) Texas State Board of Pharmacy;

25 (15) Texas Board of Physical Therapy Examiners;

26 (16) [~~Texas State Board of Plumbing Examiners,~~

27 [~~17~~] Texas State Board of Podiatric Medical

1 Examiners;

2 (17) [~~(18)~~] Texas State Board of Examiners of
3 Psychologists;

4 (18) [~~(19)~~] Texas Real Estate Commission;

5 (19) [~~(20)~~] Texas Department of Transportation;

6 (20) [~~(21)~~] State Board of Veterinary Medical
7 Examiners;

8 (21) [~~(22)~~] Texas Department of Housing and Community
9 Affairs;

10 (22) [~~(23)~~] secretary of state;

11 (23) [~~(24)~~] state fire marshal;

12 (24) [~~(25)~~] Texas Education Agency;

13 (25) [~~(26)~~] Department of Agriculture; and

14 (26) [~~(27)~~] Texas Department of Motor Vehicles.

15 SECTION 3.40. Section 2054.352(a), Government Code, as
16 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
17 81st Legislature, Regular Session, 2009, is reenacted and amended
18 to read as follows:

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

21 (1) Texas Board of Chiropractic Examiners;

22 (2) Court Reporters Certification Board;

23 (3) State Board of Dental Examiners;

24 (4) Texas Funeral Service Commission;

25 (5) Texas Board of Professional Land Surveying;

26 (6) Texas Medical Board;

27 (7) Texas Board of Nursing;

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

1 SECTION 3.41. Sections 341.034(d) and (e), Health and
2 Safety Code, are amended to read as follows:

3 (d) A person who inspects homes and businesses to identify
4 potential or actual cross-connections or other contaminant hazards
5 in public water systems must hold a license issued by the commission
6 under Chapter 37, Water Code, unless the person is licensed by the
7 Texas Department of Licensing and Regulation [~~State Board of~~
8 ~~Plumbing Examiners~~] as a plumbing inspector or water supply
9 protection specialist.

10 (e) Unless the person is licensed by the Texas Department of
11 Licensing and Regulation under Chapter 1301, Occupations Code
12 [~~State Board of Plumbing Examiners~~], a person must hold a license
13 issued by the commission under Chapter 37, Water Code, if, under a
14 contract, the person:

15 (1) installs, exchanges, connects, maintains, or
16 services potable water treatment equipment and appliances in public
17 or private water systems; or

18 (2) analyzes water to determine how to treat influent
19 or effluent water, alter or purify water, or add or remove a
20 mineral, chemical, or bacterial content or substance as part of the
21 complete installation, exchange, connection, maintenance, or
22 service of potable water treatment equipment and appliances.

23 SECTION 3.42. Section 341.068(b), Health and Safety Code,
24 is amended to read as follows:

25 (b) The board shall adopt rules to implement Subsection (a),
26 including a rule that in providing sufficient restrooms a ratio of
27 not less than 2:1 women's-to-men's restrooms or other minimum

1 standards established in consultation with the Texas Commission of
2 Licensing and Regulation [~~State Board of Plumbing Examiners~~] shall
3 be maintained if the use of the restrooms is designated by gender.
4 The rules shall apply to facilities where the public congregates
5 and on which construction is started on or after January 1, 1994, or
6 on which structural alterations, repairs, or improvements
7 exceeding 50 percent of the entire facility are undertaken on or
8 after January 1, 1994.

9 SECTION 3.43. Section 372.003(d), Health and Safety Code,
10 is amended to read as follows:

11 (d) Rules adopted or amended under this section shall be
12 developed by the commission in conjunction with a technical
13 advisory panel of designated representatives of the Texas Water
14 Development Board and the Texas Commission of Licensing and
15 Regulation [~~State Board of Plumbing Examiners~~].

16 SECTION 3.44. Sections 372.0035(f) and (h), Health and
17 Safety Code, are amended to read as follows:

18 (f) If a person licensed under Chapter 1301, Occupations
19 Code, violates this section, the Texas Department of Licensing and
20 Regulation [~~State Board of Plumbing Examiners~~] may discipline the
21 person under Chapter 51, Occupations Code, [~~Subchapter I of that~~
22 ~~chapter~~] as if a violation of this section were a violation of the
23 law regulating plumbing [~~that chapter~~].

24 (h) A field representative of the Texas Department of
25 Licensing and Regulation [~~State Board of Plumbing Examiners~~] or,
26 within the jurisdiction of a municipality, a municipal plumbing
27 inspector may issue a citation to a person who violates this

1 section.

2 SECTION 3.45. Section 233.154(a), Local Government Code, is
3 amended to read as follows:

4 (a) A person who builds new residential construction
5 described by Section 233.153 shall have the construction inspected
6 to ensure building code compliance in accordance with this section
7 as follows:

8 (1) for new residential construction on a vacant lot,
9 a minimum of three inspections must be performed during the
10 construction project to ensure code compliance, as applicable, at
11 the following stages of construction:

12 (A) the foundation stage, before the placement of
13 concrete;

14 (B) the framing and mechanical systems stage,
15 before covering with drywall or other interior wall covering; and

16 (C) on completion of construction of the
17 residence;

18 (2) for new residential construction of an addition to
19 an existing residence as described by Section 233.151(a)(2), the
20 inspections under Subdivision (1) must be performed as necessary
21 based on the scope of work of the construction project; and

22 (3) for new residential construction on a vacant lot
23 and for construction of an addition to an existing residence, the
24 builder:

25 (A) is responsible for contracting to perform the
26 inspections required by this subsection with:

27 (i) a licensed engineer;

- 1 (ii) a registered architect;
- 2 (iii) a professional inspector licensed by
3 the Texas Real Estate Commission;
- 4 (iv) a plumbing inspector employed by a
5 municipality and licensed by the Texas Department of Licensing and
6 Regulation [~~State Board of Plumbing Examiners~~];
- 7 (v) a building inspector employed by a
8 political subdivision; or
- 9 (vi) an individual certified as a
10 residential combination inspector by the International Code
11 Council; and

12 (B) may use the same inspector for all the
13 required inspections or a different inspector for each required
14 inspection.

15 SECTION 3.46. Section 113.081(d), Natural Resources Code,
16 is amended to read as follows:

17 (d) The commission by rule may exempt from Section
18 113.082(a)(4) [~~of this code~~] journeymen or master plumbers licensed
19 by the Texas Department of Licensing and Regulation [~~State Board of~~
20 ~~Plumbing Examiners~~].

21 SECTION 3.47. Section 113.087(o), Natural Resources Code,
22 is amended to read as follows:

23 (o) The commission by rule may exempt from any provision of
24 this section:

25 (1) a journeyman or master plumber licensed by the
26 Texas Department of Licensing and Regulation [~~State Board of~~
27 ~~Plumbing Examiners~~];

1 (2) a person licensed under Chapter 1302, Occupations
2 Code; or

3 (3) company representatives, operations supervisors,
4 or employees of a testing laboratory that was registered under
5 Section 113.135 prior to the effective date of this subsection.

6 SECTION 3.48. Section 113.097(j), Natural Resources Code,
7 is amended to read as follows:

8 (j) The commission by rule may exempt from the insurance
9 requirements of this section or adopt a reasonable alternative to
10 those requirements for:

11 (1) a master or journeyman plumber licensed by the
12 Texas Department of Licensing and Regulation [~~State Board of~~
13 ~~Plumbing Examiners~~]; or

14 (2) a person licensed under Chapter 1302, Occupations
15 Code.

16 SECTION 3.49. (a) The following sections of the
17 Occupations Code are repealed:

18 (1) Sections 51.351(c) and (d);

19 (2) Section 1301.003;

20 (3) Section 1301.201;

21 (4) Section 1301.204;

22 (5) Section 1301.205;

23 (6) Section 1301.207;

24 (7) Section 1301.208;

25 (8) Section 1301.252;

26 (9) Section 1301.253;

27 (10) Section 1301.254;

- 1 (11) Section 1301.256;
- 2 (12) Section 1301.259;
- 3 (13) Section 1301.260;
- 4 (14) Section 1301.261;
- 5 (15) Section 1301.301;
- 6 (16) Section 1301.3015;
- 7 (17) Section 1301.303;
- 8 (18) Section 1301.304;
- 9 (19) Section 1301.3521;
- 10 (20) Section 1301.355;
- 11 (21) Section 1301.451;
- 12 (22) Section 1301.4521;
- 13 (23) Section 1301.4522;
- 14 (24) Section 1301.453;
- 15 (25) Section 1301.454;
- 16 (26) Section 1301.504;
- 17 (27) Section 1301.5045;
- 18 (28) Section 1301.505; and
- 19 (29) Section 1301.506.

20 (b) Section 1301.258, Occupations Code, as added by Chapter
21 819 (S.B. 282), Acts of the 78th Legislature, Regular Session,
22 2003, is repealed.

23 (c) Subchapters C and N, Chapter 1301, Occupations Code, are
24 repealed.

25 SECTION 3.50. (a) Effective May 1, 2012:

26 (1) the Texas State Board of Plumbing Examiners is
27 abolished;

1 (2) all functions and activities performed
2 immediately before that date by the Texas State Board of Plumbing
3 Examiners are transferred to the Texas Department of Licensing and
4 Regulation;

5 (3) a rule, form, policy, procedure, or decision of
6 the Texas State Board of Plumbing Examiners continues in effect as a
7 rule, form, policy, procedure, or decision of the Texas Commission
8 of Licensing and Regulation and remains in effect until amended or
9 replaced by the commission;

10 (4) a reference in law or administrative rule to the
11 Texas State Board of Plumbing Examiners means the Texas Department
12 of Licensing and Regulation;

13 (5) all money, contracts, leases, rights, property,
14 records, and bonds and other obligations of the Texas State Board of
15 Plumbing Examiners are transferred to the Texas Department of
16 Licensing and Regulation;

17 (6) a court case, administrative proceeding, contract
18 negotiation, or other proceeding involving the Texas State Board of
19 Plumbing Examiners is transferred without change in status to the
20 Texas Department of Licensing and Regulation, and the Texas
21 Department of Licensing and Regulation assumes, without a change in
22 status, the position of the Texas State Board of Plumbing Examiners
23 in a negotiation or proceeding relating to an activity transferred
24 by this Act to the Texas Department of Licensing and Regulation to
25 which the Texas State Board of Plumbing Examiners is a party;

26 (7) an employee of the Texas State Board of Plumbing
27 Examiners becomes an employee of the Texas Department of Licensing

1 and Regulation; and

2 (8) any unexpended and unobligated balance of money
3 appropriated by the legislature for the Texas State Board of
4 Plumbing Examiners is transferred to the Texas Department of
5 Licensing and Regulation.

6 (b) In the period beginning on January 1, 2012, and ending
7 on April 30, 2012:

8 (1) the Texas State Board of Plumbing Examiners shall
9 continue to perform functions and activities under the Occupations
10 Code or other law as if the law had not been amended or repealed, as
11 applicable, and the former law is continued in effect for that
12 purpose; and

13 (2) a person who is authorized or required by law to
14 take an action relating to the Texas State Board of Plumbing
15 Examiners or a member of the board shall continue to take that
16 action under the law as if the law had not been amended or repealed,
17 as applicable, and the former law is continued in effect for that
18 purpose.

19 SECTION 3.51. Before May 1, 2012, the Texas State Board of
20 Plumbing Examiners may agree with the Texas Department of Licensing
21 and Regulation to transfer any property of the board to the
22 department to implement the transfer required by Section 50 of this
23 Act.

24 SECTION 3.52. To the extent of any conflict, this Act
25 prevails over another Act of the 82nd Legislature, Regular Session,
26 2011, relating to nonsubstantive additions to and corrections in
27 enacted codes.

1 ARTICLE 4: TRANSFER OF FUNCTIONS OF THE TEXAS BOARD OF PROFESSIONAL
2 ENGINEERS, TEXAS BOARD OF ARCHITECTURAL EXAMINERS, AND TEXAS BOARD
3 OF PROFESSIONAL LAND SURVEYORS TO THE TEXAS BOARD OF PROFESSIONAL
4 SERVICES.

5 SECTION 4.01. Title 6, Occupations Code, is amended by
6 adding Subtitle D to read as follows:

7 SUBTITLE D. TEXAS BOARD OF PROFESSIONAL SERVICES

8 CHAPTER 1081. TEXAS BOARD OF PROFESSIONAL SERVICES

9 SUBCHAPTER A. GENERAL PROVISIONS

10 Sec. 1081.001. GENERAL DEFINITIONS. (a) In this subtitle:

11 (1) "Board" means the Texas Board of Professional
12 Services.

13 (2) "Executive director" means the executive director
14 of the board.

15 (b) Unless the context clearly indicates otherwise, the
16 definitions in Chapters 1001, 1051, 1052, and 1071 apply to this
17 chapter.

18 Sec. 1081.002. APPLICATION OF SUNSET ACT. The Texas Board
19 of Professional Services is subject to Chapter 325, Government Code
20 (Texas Sunset Act). Unless continued in existence as provided by
21 that chapter, the board is abolished and this title, other than
22 Chapter 1002, expires September 1, 2021.

23 [Sections 1081.003-1081.050 reserved for expansion]

24 SUBCHAPTER B. TEXAS BOARD OF PROFESSIONAL SERVICES

25 Sec. 1081.051. BOARD MEMBERSHIP. (a) The Texas Board of
26 Professional Services consists of 11 members appointed by the
27 governor with the advice and consent of the senate as follows:

- 1 (1) five members who are licensed engineers;
- 2 (2) two members who are registered architects;
- 3 (3) one member who is a registered landscape
4 architect;
- 5 (4) one member who is a registered professional land
6 surveyor; and
- 7 (5) two public members.

8 (b) Appointments to the board shall be made without regard
9 to the race, color, disability, sex, religion, age, or national
10 origin of the appointee.

11 (c) The legislature shall amend the board's composition as
12 necessary so that each profession is represented in proportion to
13 the number of license or registration holders in that profession,
14 except that no profession may have less than one or more than five
15 board members.

16 Sec. 1081.052. MEMBER ELIGIBILITY. (a) A person may not be
17 a public member of the board if the person or the person's spouse:

18 (1) is registered, certified, or licensed by a
19 regulatory agency in the field of engineering, architecture, land
20 surveying, or landscape architecture;

21 (2) is employed by or participates in the management
22 of a business entity or other organization regulated by or
23 receiving money from the board;

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

27 (4) uses or receives a substantial amount of tangible

1 goods, services, or money from the board other than compensation or
2 reimbursement authorized by law for board membership, attendance,
3 or expenses.

4 (b) A member of the board must:

5 (1) be a citizen of the United States and a resident of
6 this state for at least 10 years before the date of appointment; and

7 (2) have been engaged in the practice of engineering,
8 architecture, land surveying, or landscape architecture, as
9 applicable, for at least 10 years before the date of appointment.

10 Sec. 1081.053. MEMBERSHIP RESTRICTIONS. (a) In this
11 section, "Texas trade association" means a cooperative and
12 voluntarily joined statewide association of business or
13 professional competitors in this state designed to assist its
14 members and its industry or profession in dealing with mutual
15 business or professional problems and in promoting their common
16 interest.

17 (b) A person may not be a member of the board employed in a
18 "bona fide executive, administrative, or professional capacity,"
19 as that phrase is used for purposes of establishing an exemption to
20 the overtime provisions of the federal Fair Labor Standards Act of
21 1938 (29 U.S.C. Section 201 et seq.) if:

22 (1) the person is an officer, employee, or paid
23 consultant of a Texas trade association in the field of
24 engineering, architecture, land surveying, or landscape
25 architecture; or

26 (2) the person's spouse is an officer, manager, or paid
27 consultant of a Texas trade association in the field of

1 engineering, architecture, land surveying, or landscape
2 architecture.

3 (c) A person may not be a member of the board or act as the
4 general counsel to the board if the person is required to register
5 as a lobbyist under Chapter 305, Government Code, because of the
6 person's activities for compensation on behalf of a profession
7 related to the operation of the board.

8 Sec. 1081.054. OFFICERS. The governor shall designate a
9 member of the board as the presiding officer of the board to serve
10 in that capacity at the will of the governor. The board shall elect
11 annually from its members an assistant presiding officer, a
12 treasurer, and a secretary.

13 Sec. 1081.055. GROUNDS FOR REMOVAL. (a) It is a ground for
14 removal from the board that a member:

15 (1) does not have at the time of taking office the
16 qualifications required by Sections 1081.051 and 1081.052;

17 (2) does not maintain during service on the board the
18 qualifications required by Sections 1081.051 and 1081.052;

19 (3) is ineligible for membership under Sections
20 1081.052 and 1081.053;

21 (4) cannot, because of illness or disability,
22 discharge the member's duties for a substantial part of the member's
23 term; or

24 (5) is absent from more than half of the regularly
25 scheduled board meetings that the member is eligible to attend
26 during a calendar year without an excuse approved by a majority vote
27 of the board.

1 (b) The validity of an action of the board is not affected by
2 the fact that it is taken when a ground for removal of a board member
3 exists.

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

13 Sec. 1081.056. TRAINING. (a) A person who is appointed to
14 and qualifies for office as a member of the board may not vote,
15 deliberate, or be counted as a member in attendance at a meeting of
16 the board until the person completes a training program that
17 complies with this section.

18 (b) The training program must provide the person with
19 information regarding:

20 (1) this title, other than Chapter 1002;

21 (2) the programs, functions, rules, and budget of the
22 board;

23 (3) the results of the most recent formal audit of the
24 board;

25 (4) the requirements of laws relating to open
26 meetings, public information, administrative procedure, and
27 conflicts of interest; and

1 (5) any applicable ethics policies adopted by the
2 board or the Texas Ethics Commission.

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

8 Sec. 1081.057. TERMS; VACANCY. (a) Members of the board
9 serve staggered six-year terms, with either three or four members'
10 terms, as applicable, expiring on January 31 of each odd-numbered
11 year.

12 (b) If a vacancy occurs during a member's term, the governor
13 shall appoint a replacement to fill the unexpired term.

14 Sec. 1081.058. COMPENSATION; PER DIEM. (a) A board member
15 may not receive compensation for the member's services.

16 (b) A member is entitled to a per diem and travel allowance
17 for each day the member engages in board business at the rate set
18 for state employees in the General Appropriations Act.

19 Sec. 1081.059. MEETINGS. (a) The board shall hold at least
20 two regular meetings each year.

21 (b) Additional meetings may be held as provided by the
22 board's bylaws.

23 Sec. 1081.060. PUBLIC TESTIMONY. The board shall develop
24 and implement policies that provide the public with a reasonable
25 opportunity to appear before the board and to speak on any issue
26 under the jurisdiction of the board.

27 Sec. 1081.061. PARTICIPATION OF PUBLIC MEMBERS. (a) The

1 board by majority vote may limit the participation of public
2 members in evaluating license applications.

3 (b) This section does not apply to the evaluation of license
4 applications at an official meeting of the board.

5 Sec. 1081.062. FILING OF OATH. Before assuming the duties
6 of office, each board member must file with the secretary of state a
7 copy of the constitutional oath of office taken by the member.

8 CHAPTER 1082. EXECUTIVE DIRECTOR AND PERSONNEL

9 Sec. 1082.001. EXECUTIVE DIRECTOR; DUTIES REGARDING MONEY.

10 (a) The board may employ an executive director to conduct the
11 affairs of the board under the board's direction. The executive
12 director shall receive a salary in an amount determined by the
13 board.

14 (b) The executive director shall receive and account for any
15 money derived, including any fee collected, under this title, other
16 than Chapter 1002.

17 Sec. 1082.002. PERSONNEL. (a) The board shall employ
18 clerical or other assistants as necessary to perform the board's
19 work.

20 (b) A salary paid under this section may not exceed the
21 salary paid for similar work in other departments.

22 Sec. 1082.003. CAREER LADDER PROGRAM; PERFORMANCE
23 EVALUATIONS. (a) The executive director or the executive
24 director's designee shall develop an intra-agency career ladder
25 program. The program must require intra-agency posting of each
26 nonentry level position with the board at least 10 days before the
27 date of any public posting.

1 (b) The executive director or the executive director's
2 designee shall develop a system of annual performance evaluations
3 of the board's employees based on measurable job tasks. All merit
4 pay authorized by the executive director must be based on the system
5 established under this subsection.

6 Sec. 1082.004. DIVISION OF RESPONSIBILITIES. The board
7 shall develop and implement policies that clearly separate the
8 policy-making responsibilities of the board and the management
9 responsibilities of the executive director and the staff of the
10 board.

11 Sec. 1082.005. QUALIFICATIONS AND STANDARDS OF CONDUCT
12 INFORMATION. The executive director or the executive director's
13 designee shall provide to members of the board and to board
14 employees, as often as necessary, information regarding the
15 requirements for office or employment under this chapter, including
16 information regarding a person's responsibilities under applicable
17 laws relating to standards of conduct for state officers or
18 employees.

19 Sec. 1082.006. EQUAL EMPLOYMENT OPPORTUNITY POLICY;
20 REPORT. (a) The executive director or the executive director's
21 designee shall prepare and maintain a written policy statement that
22 implements a program of equal employment opportunity to ensure that
23 all personnel decisions are made without regard to race, color,
24 disability, sex, religion, age, or national origin.

25 (b) The policy statement must include:

26 (1) personnel policies, including policies relating
27 to recruitment, evaluation, selection, training, and promotion of

1 personnel, that show the intent of the board to avoid the unlawful
2 employment practices described by Chapter 21, Labor Code; and

3 (2) an analysis of the extent to which the composition
4 of the board's personnel is in accordance with state and federal law
5 and a description of reasonable methods to achieve compliance with
6 state and federal law.

7 (c) The policy statement must:

8 (1) be updated annually;

9 (2) be reviewed by the civil rights division of the
10 Texas Workforce Commission for compliance with Subsection (b)(1);
11 and

12 (3) be filed with the governor's office.

13 CHAPTER 1083. BOARD POWERS AND DUTIES

14 SUBCHAPTER A. GENERAL POWERS AND DUTIES OF BOARD

15 Sec. 1083.001. GENERAL POWERS AND DUTIES. (a) The board
16 shall administer and enforce this title, other than Chapter 1002.

17 (b) The board may spend money for any purpose the board
18 considers reasonably necessary for the proper performance of its
19 duties under this title, other than Chapter 1002.

20 Sec. 1083.002. RULES. The board may adopt and enforce any
21 rule or bylaw necessary to perform its duties, govern its
22 proceedings, and regulate the practice of engineering,
23 architecture, landscape architecture, and land surveying.

24 Sec. 1083.003. RULES RESTRICTING ADVERTISING OR
25 COMPETITIVE BIDDING. (a) The board by rule shall prescribe
26 standards for compliance with Subchapter A, Chapter 2254,
27 Government Code.

1 (b) Except as provided by Subsection (a), the board may not
2 adopt rules restricting advertising or competitive bidding by a
3 license holder except to prohibit false, misleading, or deceptive
4 practices.

5 (c) In its rules to prohibit false, misleading, or deceptive
6 practices, the board may not include a rule that:

7 (1) restricts the use of any medium for advertising;

8 (2) restricts the use of a license holder's personal
9 appearance or voice in an advertisement;

10 (3) relates to the size or duration of an
11 advertisement by the license holder; or

12 (4) restricts the license holder's advertisement under
13 a trade name.

14 Sec. 1083.004. RULES ON CONSEQUENCES OF CRIMINAL
15 CONVICTION. The board shall adopt rules and guidelines as
16 necessary to comply with Chapter 53.

17 Sec. 1083.005. FEES. (a) The board shall establish the
18 following fees in amounts reasonable and necessary to cover the
19 costs of administering this title, other than Chapter 1002:

20 (1) license and certificate of registration fees;

21 (2) annual and late renewal fees;

22 (3) reciprocal license and registration fees;

23 (4) duplicate license and registration fees;

24 (5) engineer-in-training certificate fee;

25 (6) roster of license and registration holders fee;

26 (7) examination fees;

27 (8) registration fee for engineering firm; and

1 (9) inactive status fee.

2 (b) The board may set a fee for a board action involving an
3 administrative expense in an amount that is reasonable and
4 necessary to cover the cost of administering this title, other than
5 Chapter 1002, unless the amount of the fee is set by this chapter or
6 by the General Appropriations Act.

7 (c) The board shall set the required renewal fee under
8 Chapter 1051 for:

9 (1) a resident of this state in an amount that is equal
10 to the sum of:

11 (A) the amount determined by the board as
12 reasonable and necessary to cover administrative costs; and

13 (B) an amount determined annually by the board as
14 reasonable and necessary for the administration of the examination
15 fee scholarship program under Section 1083.102; and

16 (2) nonresidents in an amount determined by the board.

17 (d) The board may accept payment of a fee by electronic
18 means. The board may charge a fee to process the payment made by
19 electronic means. The board shall set the processing fee in an
20 amount that is reasonably related to the expense incurred by the
21 board in processing the payment made by electronic means, not to
22 exceed five percent of the amount of the fee for which the payment
23 is made.

24 (e) A fee set by the board under this section may not be used
25 for the purpose of earning additional revenue for the board.

26 Sec. 1083.006. STANDARDS OF CONDUCT AND ETHICS. The board
27 may establish standards of conduct and ethics for license and

1 registration holders in keeping with the purposes and intent of
2 this title, other than Chapter 1002, and to ensure strict
3 compliance with and enforcement of this title, other than Chapter
4 1002.

5 Sec. 1083.007. ROSTER OF LICENSE AND REGISTRATION HOLDERS.

6 (a) The board shall prepare and publish a roster of persons,
7 including business entities, licensed, registered, certified, or
8 enrolled by the board. The roster shall include the name, business
9 address, and other identifying information required by board rule.

10 (b) The board shall make the roster available to the public
11 without cost in an online computer database format.

12 (c) The board shall provide a physical copy of the roster on
13 request and may charge a reproduction and shipping fee for
14 providing a physical copy of the roster.

15 Sec. 1083.008. REGISTER OF APPLICANTS. The board shall
16 maintain a register of license and registration applications that
17 shows:

18 (1) the name, age, and residence of each applicant;

19 (2) the date of the application;

20 (3) the applicant's place of business;

21 (4) the applicant's educational and other
22 qualifications;

23 (5) whether an examination was required;

24 (6) whether the applicant was issued or denied a
25 license or registration;

26 (7) the date of board action; and

27 (8) any other information the board considers

1 necessary.

2 Sec. 1083.009. CONTINUING EDUCATION PROGRAMS. (a) The
3 board shall recognize, prepare, or administer continuing education
4 programs for its license and registration holders. A license or
5 registration holder must participate in the programs to the extent
6 required by the board to keep the person's license or registration.

7 (b) The board may not require a license or registration
8 holder to obtain more than 15 hours of continuing education
9 annually. The board shall permit a license or registration holder
10 to certify at the time the license or registration is renewed that
11 the license or registration holder has complied with the board's
12 continuing education requirements.

13 (c) The board shall permit a license or registration holder
14 to receive continuing education credit for educational, technical,
15 ethical, or professional management activities related to the
16 practice of engineering, architecture, landscape architecture, or
17 land surveying, including:

18 (1) successfully completing or auditing a course
19 sponsored by an institution of higher education;

20 (2) successfully completing a course certified by a
21 professional or trade organization;

22 (3) attending a seminar, tutorial, short course,
23 correspondence course, videotaped course, or televised course;

24 (4) participating in an in-house course sponsored by a
25 corporation or other business entity;

26 (5) teaching a course described by Subdivisions
27 (1)-(4);

1 (6) publishing an article, paper, or book on the
2 practice of engineering, architecture, landscape architecture, or
3 land surveying;

4 (7) making or attending a presentation at a meeting of
5 a technical or engineering, architecture, landscape architecture,
6 or land surveying management society or organization or writing a
7 paper presented at such a meeting;

8 (8) participating in the activities of a professional
9 society or association, including serving on a committee of the
10 organization; and

11 (9) engaging in self-directed study.

12 (d) A license or registration holder may not receive more
13 than five continuing education credit hours annually for engaging
14 in self-directed study.

15 Sec. 1083.010. RECORDS. (a) The board shall maintain a
16 record of its proceedings.

17 (b) The board's records shall be available to the public at
18 all times.

19 (c) The board's records are prima facie evidence of the
20 proceedings of the board set forth in the records. A transcript of
21 the records certified by the secretary of the board under seal is
22 admissible in evidence with the same effect as if it were the
23 original.

24 Sec. 1083.011. CONFIDENTIALITY OF CERTAIN INFORMATION
25 RELATED TO LICENSE APPLICATION. (a) A statement made by a person
26 providing a reference for an applicant and other pertinent
27 information compiled by or submitted to the board relating to an

1 applicant for a license or registration under this title, other
2 than Chapter 1002, is privileged and confidential.

3 (b) Information described by Subsection (a) may be used only
4 by the board or its employees or agents who are directly involved in
5 the application or licensing or registration process. The
6 information is not subject to discovery, subpoena, or other
7 disclosure.

8 Sec. 1083.012. SUBPOENA. (a) The board may request and, if
9 necessary, compel by subpoena:

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

12 (2) the production for inspection or copying of
13 records, documents, and other evidence relevant to the
14 investigation of an alleged violation of this title, other than
15 Chapter 1002.

16 (b) The board, acting through the attorney general, may
17 bring an action to enforce a subpoena issued under Subsection (a)
18 against a person who fails to comply with the subpoena.

19 (c) Venue for an action brought under Subsection (b) is in a
20 district court in:

21 (1) Travis County; or

22 (2) the county in which the board may hold a hearing.

23 (d) The court shall order compliance with the subpoena if
24 the court finds that good cause exists to issue the subpoena.

25 Sec. 1083.013. TECHNOLOGY POLICY. The board shall develop
26 and implement a policy requiring the executive director and board
27 employees to research and propose appropriate technological

1 solutions to improve the board's ability to perform its functions.

2 The technological solutions must:

3 (1) ensure that the public is able to find information
4 about the board on the Internet;

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

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

8 and

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

11 (3) be cost-effective and developed through the
12 board's planning processes.

13 Sec. 1083.014. NEGOTIATED RULEMAKING AND ALTERNATIVE
14 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
15 implement a policy to encourage the use of:

16 (1) negotiated rulemaking procedures under Chapter
17 2008, Government Code, for the adoption of board rules; and

18 (2) appropriate alternative dispute resolution
19 procedures under Chapter 2009, Government Code, to assist in the
20 resolution of internal and external disputes under the board's
21 jurisdiction.

22 (b) The board's procedures relating to alternative dispute
23 resolution must conform, to the extent possible, to any model
24 guidelines issued by the State Office of Administrative Hearings
25 for the use of alternative dispute resolution by state agencies.

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

27 (1) coordinate the implementation of the policy

1 adopted under Subsection (a);

2 (2) serve as a resource for any training needed to
3 implement the procedures for negotiated rulemaking or alternative
4 dispute resolution; and

5 (3) collect data concerning the effectiveness of those
6 procedures, as implemented by the board.

7 Sec. 1083.015. BOARD SEAL. (a) The board shall adopt a
8 seal and shall use the seal on official documents.

9 (b) The design of the seal must include a five-pointed star
10 with a circular border and the words "Texas Board of Professional
11 Services" within the border.

12 [Sections 1083.016-1083.050 reserved for expansion]

13 SUBCHAPTER B. POWERS AND DUTIES OF BOARD SPECIFIC TO ENGINEERS

14 Sec. 1083.051. REDUCED FEES: ELDERLY, DISABLED, INACTIVE
15 STATUS. (a) For purposes of this section, a person is disabled if
16 the person has a mental or physical impairment that substantially
17 limits the ability of the person to earn a living as an engineer,
18 other than an impairment caused by a current addiction to the use of
19 alcohol or an illegal drug or controlled substance.

20 (b) The board by rule may adopt reduced license fees and
21 annual renewal fees for engineers who are:

22 (1) at least 65 years of age; or

23 (2) disabled and not actively engaged in the practice
24 of engineering.

25 (c) A person entitled to reduced fees under Subsection
26 (b)(2) shall notify the board that the person has resumed the active
27 practice of engineering not later than the 15th day after the date

1 the person resumes active practice.

2 Sec. 1083.052. FEE INCREASE. (a) The fee for a license
3 under Chapter 1001, for the annual renewal of that license, and for
4 a reciprocal license under Chapter 1001 is increased by \$200.

5 (b) Of each fee increase collected, \$50 shall be deposited
6 in the foundation school fund and \$150 shall be deposited in the
7 general revenue fund.

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

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

12 (2) is disabled as described by Section 1083.051;

13 (3) is on inactive status as provided by Section
14 1001.355; or

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

16 [Sections 1083.053-1083.100 reserved for expansion]

17 SUBCHAPTER C. POWERS AND DUTIES OF BOARD SPECIFIC TO ARCHITECTS

18 Sec. 1083.101. FEE INCREASE. (a) The fee for the issuance
19 of a certificate to an applicant possessing a license or
20 certificate to practice architecture in another state and the fee
21 for the renewal of a certificate under Chapter 1051 are increased by
22 \$200.

23 (b) Of each fee increase collected, \$50 shall be deposited
24 in the foundation school fund and \$150 shall be deposited in the
25 general revenue fund.

26 Sec. 1083.102. EXAMINATION FEE SCHOLARSHIPS. (a) The
27 board shall administer scholarships to applicants for examination

1 under Article 3, Chapter 1051, in a manner the board determines best
2 serves the public purpose of:

- 3 (1) promoting the professional needs of the state;
4 (2) increasing the number of highly trained and
5 educated architects available to serve the residents of the state;
6 (3) improving the state's business environment and
7 encouraging economic development; and
8 (4) identifying, recognizing, and supporting
9 outstanding applicants who plan to pursue careers in architecture.

10 (b) In determining what best serves the public purpose of
11 the scholarships as described by Subsection (a), the board shall
12 consider at least the financial need of each person who applies for
13 a scholarship under this section.

14 (c) The amount of the scholarship is the lesser of:

- 15 (1) \$500; or
16 (2) the amount of the required examination fee.

17 (d) Scholarships under this section are funded by the amount
18 added to each renewal fee under Section 1083.005(c). The board may
19 not use more than 15 percent of the amount appropriated to the board
20 for scholarships under this section to pay the costs of
21 administering the scholarships.

22 Sec. 1083.103. DESIGN AND APPROVAL OF ARCHITECT'S SEAL.

23 (a) The board shall prescribe and approve the seal to be used by an
24 architect.

25 (b) The design of the seal must be the same as the design
26 used by the board, except that the words "Registered Architect,
27 State of Texas" must be used instead of "Texas Board of Professional

1 Services."

2 [Sections 1083.104-1083.150 reserved for expansion]

3 SUBCHAPTER D. POWERS AND DUTIES OF BOARD SPECIFIC TO LANDSCAPE

4 ARCHITECTS

5 Sec. 1083.151. FEE INCREASE. (a) The fee for the issuance
6 of a certificate of registration under Chapter 1052 and the fee for
7 the renewal of a certificate of registration under Chapter 1052 is
8 increased by \$200.

9 (b) Of each fee increase collected, \$50 shall be deposited
10 in the foundation school fund and \$150 shall be deposited in the
11 general revenue fund.

12 Sec. 1083.152. DESIGN AND APPROVAL OF LANDSCAPE ARCHITECT'S
13 SEAL. (a) The board shall prescribe and approve the seal to be used
14 by a landscape architect.

15 (b) The design of the seal must be the same as the design
16 used by the board, except that the words "Registered Landscape
17 Architect, State of Texas" must be used instead of "Texas Board of
18 Professional Services."

19 [Sections 1083.153-1083.200 reserved for expansion]

20 SUBCHAPTER E. POWERS AND DUTIES OF BOARD

21 SPECIFIC TO LAND SURVEYORS

22 Sec. 1083.201. FEE INCREASE. (a) The fee for the issuance
23 of a certificate of registration to a registered professional land
24 surveyor under Chapter 1071 and the fee for the renewal of a
25 certificate of registration for a registered professional land
26 surveyor under Chapter 1071 is increased by \$200.

27 (b) Of each fee increase collected, \$50 shall be deposited

1 in the foundation school fund and \$150 shall be deposited in the
2 general revenue fund.

3 (c) This section does not apply to state agency employees
4 who are employed by the state as land surveyors.

5 Sec. 1083.202. REDUCED FEES FOR ELDERLY LAND SURVEYORS.
6 The board by rule may adopt reduced certificate of registration and
7 license fees and annual renewal fees for land surveyors who are at
8 least 65 years of age.

9 SECTION 4.02. Section 1001.002(1), Occupations Code, is
10 amended to read as follows:

11 (1) "Board" means the Texas Board of Professional
12 Services [~~Engineers~~].

13 SECTION 4.03. Section 1001.063, Occupations Code, is
14 amended to read as follows:

15 Sec. 1001.063. ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7~~
16 ~~AND INTERIOR DESIGNERS~~]. This chapter or a rule adopted under this
17 chapter does not prevent or otherwise restrict a person registered
18 [~~licensed~~] as an architect under Chapter 1051 or [~~7~~] a landscape
19 architect under Chapter 1052 [~~7, or an interior designer under~~
20 ~~Chapter 1053~~] from performing an act, service, or work that is
21 within the definition of the person's practice under those
22 chapters.

23 SECTION 4.04. Sections 1001.353(b) and (c), Occupations
24 Code, are amended to read as follows:

25 (b) A person whose license has been expired for 90 days or
26 less may renew the license by paying to the board the required
27 annual renewal fee, a late renewal fee, and any applicable increase

1 in fees as required by Section 1083.052 [~~1001.206~~].

2 (c) A person whose license has been expired for more than 90
3 days but less than two years may renew the license by paying to the
4 board the required annual renewal fee, a late renewal fee, and any
5 applicable increase in fees as required by Section 1083.052
6 [~~1001.206~~] for each delinquent year or part of a year.

7 SECTION 4.05. Section 1001.355(d), Occupations Code, is
8 amended to read as follows:

9 (d) To return to active status, a license holder on inactive
10 status must:

11 (1) file with the board a written notice requesting
12 reinstatement to active status;

13 (2) pay the fee for the annual renewal of the license
14 and the fee increase required by Section 1083.052 [~~1001.206~~]; and

15 (3) provide evidence satisfactory to the board that
16 the person has complied with the continuing education requirements
17 adopted by the board.

18 SECTION 4.06. The heading to Chapter 1051, Occupations
19 Code, is amended to read as follows:

20 CHAPTER 1051. [~~TEXAS BOARD OF ARCHITECTURAL EXAMINERS,~~] GENERAL
21 PROVISIONS AFFECTING ARCHITECTS AND [~~7~~] LANDSCAPE ARCHITECTS [~~7 AND~~
22 ~~INTERIOR DESIGNERS~~]; PROVISIONS AFFECTING ONLY ARCHITECTS

23 SECTION 4.07. The heading to Article 1, Chapter 1051,
24 Occupations Code, is amended to read as follows:

25 ARTICLE 1. GENERAL PROVISIONS [~~7 BOARD OF ARCHITECTURAL EXAMINERS~~]

26 SECTION 4.08. Section 1051.001(2), Occupations Code, is
27 amended to read as follows:

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

3 SECTION 4.09. The heading to Article 2, Chapter 1051,
4 Occupations Code, is amended to read as follows:

5 ARTICLE 2. GENERAL PROVISIONS APPLYING TO ARCHITECTS AND [~~7~~]
6 LANDSCAPE ARCHITECTS [~~7, AND INTERIOR DESIGNERS~~]

7 SECTION 4.10. Section 1051.354, Occupations Code, is
8 amended to read as follows:

9 Sec. 1051.354. FEE EXEMPTION FOR MILITARY PERSONNEL. (a) A
10 person required to register under this subtitle who is on active
11 duty as a member of the United States military is exempt from the
12 payment of any fee during the person's term of service if the
13 person:

14 (1) is in good standing as an architect or [~~7~~]
15 landscape architect [~~7, or interior designer in this state~~]; or

16 (2) was in good standing as an architect or [~~7~~]
17 landscape architect [~~7, or interior designer~~] in this state at the
18 time the person entered into military service.

19 (b) A person who is exempt from payment of a fee under
20 Subsection (a):

21 (1) is exempt for the remainder of the fiscal year
22 during which the person's active duty status expires; and

23 (2) is entitled to have the person's name continued on
24 the list of architects or [~~7~~] landscape architects [~~7, or interior~~
25 ~~designers~~].

26 SECTION 4.11. Section 1051.355(b), Occupations Code, is
27 amended to read as follows:

1 (b) A person whose certificate of registration is on
2 inactive status must pay an annual renewal fee on a date and in a
3 manner prescribed by board rule. The board shall prescribe the
4 renewal fee under this subsection in an amount equal to the sum of:

5 (1) the amount determined by the board as reasonable
6 and necessary to cover the costs of administering this section; and

7 (2) except as provided by Subsection (e), the
8 additional amount required under Section 1083.005(c)(1)(B)
9 [~~1051.651(b)(1)(B)~~] for the examination fee scholarship program.

10 SECTION 4.12. Section 1051.455(b), Occupations Code, is
11 amended to read as follows:

12 (b) A proceeding under this section relating to an architect
13 or [r] a landscape architect [~~, or an interior designer~~] is subject
14 to Chapter 2001, Government Code.

15 SECTION 4.13. Section 1071.002(1), Occupations Code, is
16 amended to read as follows:

17 (1) "Board" means the Texas Board of Professional
18 Services [~~Land Surveying~~].

19 SECTION 4.14. Section 2, Self-Directed Semi-Independent
20 Agency Act (Article 8930, Revised Statutes), is amended to read as
21 follows:

22 Sec. 2. The Texas State Board of Public Accountancy
23 [~~following agencies~~] shall be part of the pilot project created by
24 this Act[+]

25 [~~(1) the Texas State Board of Public Accountancy,~~

26 [~~(2) the Texas Board of Professional Engineers, and~~

27 [~~(3) the Texas Board of Architectural Examiners~~].

1 SECTION 4.15. Section 6(c), Self-Directed Semi-Independent
2 Agency Act (Article 8930, Revised Statutes), is amended to read as
3 follows:

4 (c) The Texas State Board of Public Accountancy shall
5 annually remit \$703,344 to the general revenue fund[~~, the Texas~~
6 ~~Board of Professional Engineers shall annually remit \$373,900 to~~
7 ~~the general revenue fund, and the Texas Board of Architectural~~
8 ~~Examiners shall annually remit \$510,000 to the general revenue~~
9 ~~fund].~~

10 SECTION 4.16. Section 61.0822, Education Code, is amended
11 to read as follows:

12 Sec. 61.0822. CONTRACT WITH TEXAS BOARD OF PROFESSIONAL
13 SERVICES [~~ARCHITECTURAL EXAMINERS~~]. The board may contract with
14 the Texas Board of Professional Services [~~Architectural Examiners~~]
15 to administer the examination fee scholarship program established
16 under Section 1083.102 [~~1051.206~~], Occupations Code.

17 SECTION 4.17. Section 411.122(d), Government Code, as
18 amended by Chapters 213 (S.B. 1005), 450 (H.B. 2447), and 933
19 (H.B. 3097), Acts of the 81st Legislature, Regular Session, 2009,
20 is reenacted and amended to read as follows:

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

23 (1) Texas Appraiser Licensing and Certification
24 Board;

25 (2) Texas Board of Professional Services
26 [~~Architectural Examiners~~];

27 (3) Texas Board of Chiropractic Examiners;

- 1 (4) State Board of Dental Examiners;
- 2 (5) [~~Texas Board of Professional Engineers,~~
- 3 ~~(6)~~] Texas Funeral Service Commission;
- 4 (6) [~~(7)~~] Texas Board of Professional Geoscientists;
- 5 (7) [~~(8)~~] Department of State Health Services, except
- 6 as provided by Section 411.110, and agencies attached to the
- 7 department, including:
- 8 (A) Texas State Board of Examiners of Dietitians;
- 9 (B) Texas State Board of Examiners of Marriage
- 10 and Family Therapists;
- 11 (C) Midwifery Board;
- 12 (D) Texas State Perfusionist Advisory Committee;
- 13 (E) Texas State Board of Examiners of
- 14 Professional Counselors;
- 15 (F) Texas State Board of Social Worker Examiners;
- 16 (G) State Board of Examiners for Speech-Language
- 17 Pathology and Audiology;
- 18 (H) Advisory Board of Athletic Trainers;
- 19 (I) State Committee of Examiners in the Fitting
- 20 and Dispensing of Hearing Instruments;
- 21 (J) Texas Board of Licensure for Professional
- 22 Medical Physicists; and
- 23 (K) Texas Board of Orthotics and Prosthetics;
- 24 (8) [~~(9) — Texas Board of Professional Land Surveying,~~
- 25 ~~(10)~~] Texas Department of Licensing and Regulation,
- 26 except as provided by Section 411.093;
- 27 (9) [~~(11)~~] Texas Commission on Environmental Quality;

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

23 SECTION 4.18. Section 469.104, Government Code, is amended
24 to read as follows:

25 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.
26 The commission shall report to the Texas Board of Professional
27 Services [~~Architectural Examiners, the Texas Board of Professional~~

1 ~~Engineers, or another appropriate licensing authority]~~ the failure
2 of any architect, [~~interior designer,~~] landscape architect, or
3 engineer to submit or resubmit in a timely manner plans and
4 specifications to the department as required by this subchapter.

5 SECTION 4.19. Section 2054.352(a), Government Code, as
6 amended by Chapters 213 (S.B. 1005) and 450 (H.B. 2447), Acts of the
7 81st Legislature, Regular Session, 2009, is reenacted and amended
8 to read as follows:

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

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

- 1 (15) State Board of Veterinary Medical Examiners;
2 (16) Texas Real Estate Commission;
3 (17) Texas Appraiser Licensing and Certification
4 Board;
5 (18) Texas Department of Licensing and Regulation;
6 (19) Texas State Board of Public Accountancy;
7 (20) State Board for Educator Certification;
8 (21) ~~[Texas Board of Professional Engineers;~~
9 ~~[(22)]~~ Department of State Health Services;
10 (22) ~~[(23) Texas Board of Architectural Examiners;~~
11 ~~[(24)]~~ Texas Racing Commission;
12 (23) ~~[(25)]~~ Commission on Law Enforcement Officer
13 Standards and Education; and
14 (24) ~~[(26)]~~ Texas Private Security Board.

15 SECTION 4.20. Section 2166.202(b), Government Code, is
16 amended to read as follows:

17 (b) The commission, in consultation with the Texas Board of
18 Professional Services ~~[Architectural Examiners and the Texas Board~~
19 ~~of Professional Engineers]~~, shall adopt by rule criteria to
20 evaluate the competence and qualifications of a prospective private
21 design professional.

22 SECTION 4.21. Section 361.901(6), Health and Safety Code,
23 is amended to read as follows:

24 (6) "Licensed professional engineer" means a person
25 licensed by the Texas Board of Professional Services ~~[Engineers]~~.

26 SECTION 4.22. Section 366.071(c), Health and Safety Code,
27 is amended to read as follows:

1 (c) A person who conducts preconstruction site evaluations,
2 including visiting a site and performing a soil analysis, a site
3 survey, or other activities necessary to determine the suitability
4 of a site for an on-site sewage disposal system must hold a license
5 issued by the commission under Chapter 37, Water Code, unless the
6 person is licensed by the Texas Board of Professional Services
7 [~~Engineers~~] as an engineer.

8 SECTION 4.23. Section 2210.102(g), Insurance Code, is
9 amended to read as follows:

10 (g) The commissioner shall appoint one person to serve as a
11 nonvoting member of the board to advise the board regarding issues
12 relating to the inspection process. The commissioner may give
13 preference in an appointment under this subsection to a person who
14 is a qualified inspector under Section 2210.254. The nonvoting
15 member appointed under this section must:

16 (1) be an engineer licensed by, and in good standing
17 with, the Texas Board of Professional Services [~~Engineers~~];

18 (2) reside in a first tier coastal county; and

19 (3) be knowledgeable of, and have professional
20 expertise in, wind-related design and construction practices in
21 coastal areas that are subject to high winds and hurricanes.

22 SECTION 4.24. Section 2210.255(a), Insurance Code, is
23 amended to read as follows:

24 (a) On request of an engineer licensed by the Texas Board of
25 Professional Services [~~Engineers~~], the commissioner shall appoint
26 the engineer as an inspector under this subchapter not later than
27 the 10th day after the date the engineer delivers to the

1 commissioner information demonstrating that the engineer is
2 qualified to perform windstorm inspections under this subchapter.

3 SECTION 4.25. Section 2210.256(f), Insurance Code, is
4 amended to read as follows:

5 (f) If an appointee is an engineer licensed by the Texas
6 Board of Professional Services [~~Engineers~~] who is found by the
7 department to have knowingly, wilfully, fraudulently, or with gross
8 negligence signed or caused to be prepared an inspection report
9 that contains a false or fraudulent statement, the commissioner may
10 take action against the appointee in the manner provided by
11 Subsections (a) and (b) but may not assess a fine against the
12 appointee. The commissioner shall notify the Texas Board of
13 Professional Services [~~Engineers~~] of an order issued by the
14 commissioner against an appointee who is an engineer licensed by
15 that board, including an order suspending or revoking the
16 appointment of the person.

17 SECTION 4.26. Section 214.215(d), Local Government Code, is
18 amended to read as follows:

19 (d) A municipality may:

20 (1) adopt the rehabilitation code or prescriptive
21 provisions for rehabilitation recommended by the Texas Board of
22 Professional Services [~~Architectural Examiners~~]; or

23 (2) amend its rehabilitation code or prescriptive
24 provisions for rehabilitation.

25 SECTION 4.27. Section 89.023(a), Natural Resources Code, is
26 amended to read as follows:

27 (a) The commission may grant an extension of the deadline

1 for plugging an inactive well if the operator maintains a current
2 organization report with the commission as required by Section
3 91.142 and if, on or before the date of renewal of the operator's
4 organization report as required by that section, the operator files
5 with the commission an application for an extension that includes:

- 6 (1) an affirmation that complies with Section 89.029;
- 7 (2) a statement that the well and associated
8 facilities are in compliance with all commission rules and orders;
- 9 (3) a statement that the operator has, and on request
10 will provide, evidence of a good faith claim to a continuing right
11 to operate the well; and

12 (4) at least one of the following:

13 (A) documentation that since the preceding date
14 that the operator's organization report was required to be renewed
15 the operator has plugged, or restored to active operation as
16 defined by commission rule, a number of inactive wells equal to or
17 greater than 10 percent of the number of inactive wells operated by
18 the operator on that date;

19 (B) an abeyance of plugging report on a form
20 approved by the commission that:

21 (i) is in the form of a certification signed
22 by an engineer [~~a person~~] licensed by the Texas Board of
23 Professional Services [~~Engineers~~] or a person licensed by the Texas
24 Board of Professional Geoscientists;

25 (ii) includes:

26 (a) an affirmation by the licensed
27 person that the well has:

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

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

9 (b) appropriate documentation
10 demonstrating the basis for the affirmation of the well's future
11 utility; and

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

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

16 (D) if the operator of the well is not currently
17 otherwise required by commission rule or order to conduct a fluid
18 level or hydraulic pressure test of the well, documentation of the
19 results of a successful fluid level or hydraulic pressure test of
20 the well conducted in accordance with the commission's rules in
21 effect at the time the test is conducted;

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

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

27 (ii) is of an amount at least equal to the

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

3 (F) documentation of the deposit with the
4 commission each time the operator files an application of an amount
5 of escrow funds as prescribed by commission rule that equal at least
6 10 percent of the total cost calculation for plugging an inactive
7 well for each well specified in the application; or

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

9 (i) the following documents:

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

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

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

19 (2) specifies the funds covered
20 by the documents described by Sub-subparagraph (a) in the amount of
21 the cost calculation for plugging an inactive well for each well
22 specified in the application; or

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

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

27 (b) \$2 million.

1 SECTION 4.28. The following provisions of the Occupations
2 Code are repealed:

- 3 (1) Section 1001.005;
- 4 (2) Subchapters C, D, and E, Chapter 1001;
- 5 (3) Sections 1051.001(3) and (4);
- 6 (4) Section 1051.003;
- 7 (5) Subchapters B, C, and D, Article 1, Chapter 1051;
- 8 (6) Section 1051.604;
- 9 (7) Subchapter M, Article 3, Chapter 1051;
- 10 (8) Subchapter B, Chapter 1052;
- 11 (9) Chapter 1053;
- 12 (10) Section 1071.003; and
- 13 (11) Subchapters B, C, and D, Chapter 1071.

14 SECTION 4.29. (a) The Texas Board of Professional
15 Engineers, the Texas Board of Architectural Examiners, and the
16 Texas Board of Professional Land Surveying are abolished but
17 continue in existence until September 1, 2012, for the sole purpose
18 of transferring obligations, property, employees, rights, powers,
19 and duties to the Texas Board of Professional Services created
20 under Subtitle D, Title 6, Occupations Code, as added by this Act.
21 The Texas Board of Professional Services assumes all of the
22 obligations, property, rights, powers, and duties of the Texas
23 Board of Professional Engineers, the Texas Board of Architectural
24 Examiners, and the Texas Board of Professional Land Surveying, as
25 they exist immediately before the effective date of this Act. All
26 unexpended funds appropriated to the Texas Board of Professional
27 Engineers, the Texas Board of Architectural Examiners, and the

1 Texas Board of Professional Land Surveying are transferred to the
2 Texas Board of Professional Services. The transfer of the
3 obligations, property, rights, powers, and duties of the Texas
4 Board of Professional Engineers, the Texas Board of Architectural
5 Examiners, and the Texas Board of Professional Land Surveying to
6 the Texas Board of Professional Services must be completed not
7 later than September 1, 2012.

8 (b) All rules of the Texas Board of Professional Engineers,
9 the Texas Board of Architectural Examiners, and the Texas Board of
10 Professional Land Surveying are continued in effect as rules of the
11 Texas Board of Professional Services until superseded by a rule of
12 the Texas Board of Professional Services. A certificate, license,
13 registration, or other authorization issued by the Texas Board of
14 Professional Engineers, the Texas Board of Architectural
15 Examiners, or the Texas Board of Professional Land Surveying is
16 continued in effect as provided by the law in effect immediately
17 before the effective date of this Act. An application for a
18 certificate, license, registration, or other authorization pending
19 on the effective date of this Act is continued without change in
20 status after the effective date of this Act. Except as provided by
21 Sections 5.04 and 5.05 of this article, a complaint, investigation,
22 contested case, or other proceeding pending on the effective date
23 of this Act is continued without change in status after the
24 effective date of this Act.

25 (c) A reference in another law or an administrative rule to
26 the Texas Board of Professional Engineers, the Texas Board of
27 Architectural Examiners, or the Texas Board of Professional Land

1 Surveying means the Texas Board of Professional Services.

2 SECTION 4.30. (a) In making the initial appointments to
3 the Texas Board of Professional Services, the governor shall
4 appoint:

5 (1) three members to serve terms expiring February 1,
6 2013;

7 (2) four members to serve terms expiring February 1,
8 2015; and

9 (3) four members to serve terms expiring February 1,
10 2017.

11 (b) Not later than March 1, 2012, each initial board member
12 appointed under this section must complete the training required by
13 Section 1081.056, Occupations Code, as added by this Act. Before
14 March 1, 2012, Section 1081.056(a) does not apply to an initial
15 board member.

16 SECTION 4.31. Not later than the 90th day after the date
17 that a majority of the members of the Texas Board of Professional
18 Services are appointed under Section 5.02 of this article and
19 qualify for office, the board shall appoint an executive director
20 under Section 1082.001, Occupations Code, as added by this Act. A
21 person who is the executive director of the Texas Board of
22 Professional Engineers, the Texas Board of Architectural
23 Examiners, or the Texas Board of Professional Land Surveying on, or
24 within one year preceding, the effective date of this Act is not
25 eligible to be employed as the initial executive director under
26 this section.

27 SECTION 4.32. An offense under Section 1053.351,

1 Occupations Code, may not be prosecuted after the effective date of
2 this Act. If on the effective date of this Act a criminal action is
3 pending for an offense under Section 1053.351, Occupations Code,
4 the action is dismissed on that date. However, a final conviction
5 for an offense under Section 1053.351, Occupations Code, that
6 exists on the effective date of this Act is unaffected by this Act.

7 SECTION 4.33. The Texas Board of Architectural Examiners
8 may not institute a disciplinary action under Section 1053.251,
9 Occupations Code, administrative penalty under Section 1051.451,
10 Occupations Code, or other enforcement action under Chapter 1051 or
11 1053, Occupations Code, on or after the effective date of this Act.
12 If on the effective date of this Act a disciplinary action under
13 Section 1053.251, Occupations Code, administrative penalty under
14 Section 1051.451, Occupations Code, or other enforcement action
15 under Chapter 1051 or 1053, Occupations Code, is pending, the
16 action is dismissed on that date. However, a final decision or an
17 order for a disciplinary action under Section 1053.251, Occupations
18 Code, administrative penalty under Section 1051.451, Occupations
19 Code, or other enforcement action under Chapter 1051 or 1053,
20 Occupations Code, that exists on the effective date of this Act is
21 unaffected by this Act.

22 SECTION 4.34. To the extent of any conflict, this Act
23 prevails over another Act of the 82nd Legislature, Regular Session,
24 2011, relating to nonsubstantive additions to and corrections in
25 enacted codes.

26 ARTICLE 5. ABOLITION OF THE SUPER COLLIDER FACILITY RESEARCH
27 AUTHORITY.

1 SECTION 5.1. Chapter 2301, Government Code, is repealed.

2 ARTICLE 6. EFFECTIVE DATE

3 SECTION 6.1. This Act takes effect September 1, 2011.