

By: Zaffirini

S.B. No. 138

A BILL TO BE ENTITLED

1 AN ACT
2 relating to procedures for filing complaints with, and providing
3 notice of certain violations to, the Texas Board of Professional
4 Geoscientists.

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

6 SECTION 1. Section 1002.201, Occupations Code, is amended
7 to read as follows:

8 Sec. 1002.201. PUBLIC INTEREST INFORMATION. (a) The board
9 shall:

10 (1) prepare information of public interest
11 describing:

12 (A) the regulatory functions of the board; and

13 (B) the board's procedures by which complaints
14 are filed with and resolved by the board; and

15 (2) make the information available to the public and
16 appropriate state agencies.

17 (b) The board shall maintain on the board's Internet
18 website:

19 (1) information regarding the procedure for filing a
20 complaint with the board; and

21 (2) a means by which a person may electronically file a
22 complaint with the board.

23 SECTION 2. Section 1002.202, Occupations Code, is amended
24 by amending Subsection (b) and adding Subsection (d-1) to read as

1 follows:

2 (b) A complaint from a member of the public must be:

3 (1) in writing;

4 (2) sworn to by the person making the complaint; and

5 (3) filed with the secretary-treasurer or
6 electronically through the board's Internet website.

7 (d-1) The board shall accept a complaint regardless of
8 whether the complaint is notarized.

9 SECTION 3. Subchapter E, Chapter 1002, Occupations Code, is
10 amended by adding Sections 1002.206 and 1002.207 to read as
11 follows:

12 Sec. 1002.206. COMPLAINT EDUCATION. (a) In this section,
13 "state agency" has the meaning assigned by Section 57.001.

14 (b) The board shall work with each state agency that uses
15 the services of a person licensed under this chapter and other
16 appropriate state agencies as determined by the board, including a
17 state agency with which the board has entered into a memorandum of
18 understanding that addresses the coordination of activities or
19 complaints, to educate the agency's employees regarding the
20 procedures by which complaints are filed with and resolved by the
21 board.

22 Sec. 1002.207. DUTY OF STATE AGENCY TO REPORT POTENTIAL
23 VIOLATION. (a) In this section, "state agency" has the meaning
24 assigned by Section 57.001.

25 (b) A state agency that becomes aware of a potential
26 violation of this chapter or a rule adopted under this chapter shall
27 forward any information relating to the potential violation and any

1 subsequently obtained information to the board.

2 (c) Information forwarded by a state agency under this
3 section that is privileged or confidential remains privileged or
4 confidential following receipt by the board. The privilege or
5 confidentiality extends to any board communication concerning the
6 information forwarded, regardless of the form, manner, or content
7 of the communication.

8 (d) The forwarding of privileged or confidential
9 information by a state agency does not waive a privilege in or
10 create an exception to the confidentiality of the information.

11 (e) A state agency's provision of information or failure to
12 provide information under this section does not give rise to a cause
13 of action against the agency.

14 SECTION 4. Not later than December 1, 2013, the Texas Board
15 of Professional Geoscientists shall adopt rules necessary to
16 implement Sections 1002.201 and 1002.202, Occupations Code, as
17 amended by this Act, and Sections 1002.206 and 1002.207,
18 Occupations Code, as added by this Act.

19 SECTION 5. This Act takes effect September 1, 2013.