

1-1 By: Zaffirini S.B. No. 138
1-2 (In the Senate - Filed November 30, 2012; January 29, 2013,
1-3 read first time and referred to Committee on Business and Commerce;
1-4 February 5, 2013, reported favorably by the following vote:
1-5 Yeas 8, Nays 0; February 5, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to procedures for filing complaints with, and providing
1-20 notice of certain violations to, the Texas Board of Professional
1-21 Geoscientists.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Section 1002.201, Occupations Code, is amended
1-24 to read as follows:

1-25 Sec. 1002.201. PUBLIC INTEREST INFORMATION. (a) The board
1-26 shall:

1-27 (1) prepare information of public interest
1-28 describing:

1-29 (A) the regulatory functions of the board; and

1-30 (B) the board's procedures by which complaints
1-31 are filed with and resolved by the board; and

1-32 (2) make the information available to the public and
1-33 appropriate state agencies.

1-34 (b) The board shall maintain on the board's Internet
1-35 website:

1-36 (1) information regarding the procedure for filing a
1-37 complaint with the board; and

1-38 (2) a means by which a person may electronically file a
1-39 complaint with the board.

1-40 SECTION 2. Section 1002.202, Occupations Code, is amended
1-41 by amending Subsection (b) and adding Subsection (d-1) to read as
1-42 follows:

1-43 (b) A complaint from a member of the public must be:

1-44 (1) in writing;

1-45 (2) sworn to by the person making the complaint; and

1-46 (3) filed with the secretary-treasurer or
1-47 electronically through the board's Internet website.

1-48 (d-1) The board shall accept a complaint regardless of
1-49 whether the complaint is notarized.

1-50 SECTION 3. Subchapter E, Chapter 1002, Occupations Code, is
1-51 amended by adding Sections 1002.206 and 1002.207 to read as
1-52 follows:

1-53 Sec. 1002.206. COMPLAINT EDUCATION. (a) In this section,
1-54 "state agency" has the meaning assigned by Section 57.001.

1-55 (b) The board shall work with each state agency that uses
1-56 the services of a person licensed under this chapter and other
1-57 appropriate state agencies as determined by the board, including a
1-58 state agency with which the board has entered into a memorandum of
1-59 understanding that addresses the coordination of activities or
1-60 complaints, to educate the agency's employees regarding the
1-61 procedures by which complaints are filed with and resolved by the

2-1 board.

2-2 Sec. 1002.207. DUTY OF STATE AGENCY TO REPORT POTENTIAL
2-3 VIOLATION. (a) In this section, "state agency" has the meaning
2-4 assigned by Section 57.001.

2-5 (b) A state agency that becomes aware of a potential
2-6 violation of this chapter or a rule adopted under this chapter shall
2-7 forward any information relating to the potential violation and any
2-8 subsequently obtained information to the board.

2-9 (c) Information forwarded by a state agency under this
2-10 section that is privileged or confidential remains privileged or
2-11 confidential following receipt by the board. The privilege or
2-12 confidentiality extends to any board communication concerning the
2-13 information forwarded, regardless of the form, manner, or content
2-14 of the communication.

2-15 (d) The forwarding of privileged or confidential
2-16 information by a state agency does not waive a privilege in or
2-17 create an exception to the confidentiality of the information.

2-18 (e) A state agency's provision of information or failure to
2-19 provide information under this section does not give rise to a cause
2-20 of action against the agency.

2-21 SECTION 4. Not later than December 1, 2013, the Texas Board
2-22 of Professional Geoscientists shall adopt rules necessary to
2-23 implement Sections 1002.201 and 1002.202, Occupations Code, as
2-24 amended by this Act, and Sections 1002.206 and 1002.207,
2-25 Occupations Code, as added by this Act.

2-26 SECTION 5. This Act takes effect September 1, 2013.

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