

## **BILL ANALYSIS**

C.S.H.B. 1311  
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Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

The Texas Board of Professional Geoscientists licenses and regulates professional geoscientists, geoscientists in training, and geoscience firms; sets standards for the practice of geoscience; investigates complaints against licensees; and is subject to the Texas Sunset Act. C.S.H.B. 1311 seeks to continue the Texas Board of Professional Geoscientists with statutory modifications.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.H.B. 1311 amends the Occupations Code to postpone from September 1, 2019, to September 1, 2025, the date on which the Texas Board of Professional Geoscientists is abolished and the Texas Geoscience Practice Act expires unless continued in existence as provided by the Texas Sunset Act. The bill makes the following updates with respect to the board:

- provides for the designation of a presiding officer by the governor;
- revises the training required for board members and provides for the development of a related training manual which members annually attest to receiving and reviewing;
- requires a board member who completed the training requirements that existed before the bill's effective date to complete additional training only on the subjects added by the bill;
- prohibits a board member from voting, deliberating, or being counted as a member in attendance at a board meeting held on or after December 1, 2019, until completing the additional required training;
- provides for the board's development of a policy to encourage the use of negotiated rulemaking and alternative dispute resolution procedures; and
- revises and sets out provisions related to complaint management.

The bill removes the notarization and reference letter requirements for geoscientist license applicants and removes as a condition of eligibility for such a license the condition that the applicant be of good and ethical character. The bill raises from \$100 to \$1,500 the cap on the amount of the administrative penalty the board may impose for each violation of the Texas Geoscience Practice Act or a rule adopted or order issued under that act.

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1311 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute sets out an additional authorization for the board to employ or contract certain persons with respect to investigations and disciplinary proceedings.

The substitute removes as a condition of eligibility for a geoscientist license the condition that the applicant be of good moral and ethical character.