

BILL ANALYSIS

Senate Research Center

H.B. 1523
By: Nevárez (Buckingham)
Business & Commerce
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Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

While Texas has a clear, ongoing need to regulate the practice of land surveying, the Sunset Advisory Commission found the Texas Board of Professional Land Surveying has failed to meet its fundamental duties and responsibilities. H.B. 1523 seeks to provide for the continued regulation of land surveying alongside the regulation of professional engineering under the consolidated Texas Board of Professional Engineers and Land Surveyors with related statutory modifications.

H.B. 1523 amends current law relating to the continuation of the regulation of land surveyors and the transfer of the regulation to the Texas Board of Professional Engineers and Land Surveyors, following the recommendations of the Sunset Advisory Commission; and changes fees.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Professional Engineers and Land Surveyors in SECTION 1.54 (Section 1071.301, Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Professional Engineers is modified in SECTION 1.15, 1.18, 1.27, 1.37, and 1.57 (Sections 1071.301, 1001.205, 1001.252, 1001.305, and 1071.4035 Occupations Code) of this bill.

Rulemaking authority previously granted to the Texas Board of Professional Land Surveying is rescinded in SECTION 1.58 (Sections 1071.151, 1071.1515, 1071.1527, 1071.157, 1071.203, 1071.452, and 1071.552, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SECTION 1.01. Amends the heading to Chapter 1001, Occupations Code, to read as follows:

CHAPTER 1001. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SECTION 1.02. Amends Section 1001.002, Occupations Code, by amending Subdivision (1) and adding Subdivision (3) to define "land surveyor," "licensed state land surveyor," "professional surveying," "registered professional land surveyor," and "state land surveying" and to redefine "board" to mean the Texas Board of Professional Engineers and Land Surveyors (board).

SECTION 1.03. Amends Section 1001.004(e), Occupations Code, to delete existing text providing that this chapter does not repeal or amend a law affecting or regulating a licensed state land surveyor and to make nonsubstantive changes.

SECTION 1.04. Amends Section 1001.005, Occupations Code, as follows:

Sec. 1001.005. APPLICATION OF SUNSET ACT. Provides that the board is subject to Chapter 325, Government Code (Texas Sunset Act).

SECTION 1.05. Amends Section 1001.064, Occupations Code, as follows:

Sec. 1001.064. STATE LAND SURVEYORS. Provides that a licensed state land surveyor is exempt from the requirements of this chapter regulating the practice of engineering in performing the state land surveyor's duties. Makes a nonsubstantive change.

SECTION 1.06. Amends the heading to Subchapter C, Chapter 1001, Occupations Code, to read as follows:

SUBCHAPTER C. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS

SECTION 1.07. Amends Section 1001.101(a), Occupations Code, as follows:

(a) Provides that the board consists of nine members appointed by the governor with the advice and consent of the senate as follows:

- (1) five, rather than six, engineers;
- (2) one land surveyor; and
- (3) creates this subdivision from existing text and makes no further changes.

SECTION 1.08. Amends Subchapter C, Chapter 1001, Occupations Code, by adding Section 1001.1011, as follows:

Sec. 1001.1011. EX OFFICIO MEMBER. Requires the commissioner of the Texas General Land Office (commissioner; GLO) or a licensed state land surveyor employee of GLO designated by the commissioner as director of surveying to serve as an ex officio, nonvoting member of the board.

SECTION 1.09. Amends Section 1001.102, Occupations Code, by amending Subsection (a) and adding Subsection (d), as follows:

(a) Prohibits a person from being a public member of the board if the person or the person's spouse:

- (1) is registered, certified, or licensed by a regulatory agency in the field of engineering or land surveying; or
- (2)–(4) makes no changes to these subdivisions.

(d) Provides that a land surveyor member of the board:

- (1) is required to be:
 - (A) a licensed state land surveyor actively engaged in the practice of state land surveying for not less than the five years preceding appointment; or
 - (B) a registered professional land surveyor actively engaged in the practice of professional surveying in this state for not less than the five years preceding appointment; and
- (2) is prohibited from being licensed as an engineer.

SECTION 1.10. Amends Section 1001.103(a-1), Occupations Code, to make conforming changes.

SECTION 1.11. Amends Section 1001.105, Occupations Code, as follows:

Sec. 1001.105. PARTICIPATION OF PUBLIC MEMBERS. (a) Authorizes the board by majority vote to limit the participation of public members in evaluating license, registration, or certification applications, rather than license applications..

(b) Makes a conforming change to this subsection.

SECTION 1.12. Amends Section 1001.107, Occupations Code, as follows:

Sec. 1001.107. PER DIEM. Entitles each board member, other than the commissioner of GLO, to receive a per diem as set by the General Appropriations Act for each day that the member engages in the business of the board.

SECTION 1.13. Amends Section 1001.112(b), Occupations Code, to require the training program to provide the person with certain information, including information regarding Chapter 1071 (Land Surveyors).

SECTION 1.14. Amends Section 1001.201, Occupations Code, to make conforming changes.

SECTION 1.15. Amends Section 1001.202, Occupations Code, to make conforming changes.

SECTION 1.16. Amends Sections 1001.203(b) and (c), Occupations Code, as follows:

(b) Prohibits the board, except as provided by Subsection (a), from adopting rules restricting advertising or competitive bidding by a person regulated by the board, rather than a license holder, except to prohibit false, misleading, or deceptive practices.

(c) Prohibits the board, in its rules to prohibit false, misleading, or deceptive practices by a person regulated by the board, from including a rule that:

(1) makes no changes to this subdivision; or

(2)–(4) makes conforming changes to these subdivisions.

SECTION 1.17. Amends Section 1001.204, Occupations Code, as follows:

Sec. 1001.204. FEES. (a) Deletes existing Subdivisions (5) and (8) and renumbers other subdivisions accordingly. Requires the board to establish fees in amounts reasonable and necessary to cover the costs of administering this chapter and Chapter 1071, including, rather than requiring the board to establish the following fees in amounts reasonable and necessary to cover the costs of administering this chapter:

(1) license, registration, and certification fees, rather than license fee;

(2) renewal fee, rather than annual and late renewal fees;

(3)–(4) makes no changes to these subdivisions;

(5) roster fee, rather than roster of engineers fee; and

(6)–(7) makes no further changes to these subdivisions.

(b) Makes a conforming change to this subsection.

(c) Makes a conforming change to this subsection.

SECTION 1.18. Amends Section 1001.205, Occupations Code, as follows:

Sec. 1001.205. REDUCED FEES: ELDERLY, DISABLED, INACTIVE STATUS. (a) Makes a conforming change to this subsection.

(b) Authorizes the board by rule to adopt reduced license fees and renewal fees for engineers and land surveyors, rather than reduced license fees and annual renewal fees for engineers who are a certain age or status. Makes a conforming change.

(c) Makes a conforming change to this section.

SECTION 1.19. Amends Section 1001.207, Occupations Code, to make conforming changes.

SECTION 1.20. Amends the heading to Section 1001.208, Occupations Code, to read as follows:

Sec. 1001.208. ROSTER OF ENGINEERS AND LAND SURVEYORS.

SECTION 1.21. Amends Section 1001.209, Occupations Code, as follows:

Sec. 1001.209. REGISTER OF APPLICANTS. Requires the board to maintain a register of each application for a license or registration under this chapter or Chapter 1071, rather than a register or license applications, that shows:

(1)–(5) makes no changes to these subdivisions;

(6) whether the applicant was issued or denied a license or registration, rather than a license; and

(7)–(8) makes no changes to these subdivisions.

SECTION 1.22. Amends Section 1001.210, Occupations Code, as follows:

Sec. 1001.210. New heading: CONTINUING EDUCATION PROGRAMS FOR ENGINEERS. (a) Requires the board to recognize, prepare, or administer continuing education programs for engineers, rather than its license holders. Makes conforming changes.

(b)–(d) Makes conforming changes to these subsections.

SECTION 1.23. Amends Section 1001.212, Occupations Code, as follows:

Sec. 1001.212. New heading: CONFIDENTIALITY OF CERTAIN INFORMATION RELATED TO APPLICATION. (a) Provides that a statement made by a person providing a reference for an applicant and other pertinent information compiled by or submitted to the board relating to an applicant for licensing, registration, or certification under this chapter or Chapter 1071, rather than for a license under this chapter, is privileged and confidential.

(b) Makes a conforming change to this subsection.

SECTION 1.24. Amends Section 1001.213(a), Occupations Code, to make a conforming change.

SECTION 1.25. Amends Subchapter E, Chapter 1001, Occupations Code, by adding Section 1001.216, as follows:

Sec. 1001.216. ADVISORY COMMITTEES. (a) Requires the board to appoint an advisory committee composed of five land surveyors for the purpose of providing advice and recommendations to the board on matters related to the regulation of land surveying.

(b) Prohibits the board from adopting a rule related to the scope of practice of, the professional or technical standards for, or the standards of conduct and ethics for land surveyors before considering advice and recommendations from the advisory committee described in Subsection (a).

(c) Authorizes the board to appoint additional advisory committees to provide advice and recommendations to the board on any other matter relevant to the administration of this chapter or Chapter 1071.

SECTION 1.26. Amends Section 1001.251(a), Occupations Code, to make conforming and nonsubstantive changes.

SECTION 1.27. Amends Sections 1001.252(a) and (d), Occupations Code, as follows:

(a) Requires the board to adopt rules that permit the board to receive and investigate a confidential complaint against a person who may have violated this chapter or Chapter 1071, rather than against a license holder or other person who may have violated this chapter.

(d) Makes a conforming change to this subsection.

SECTION 1.28. Amends Chapter 1001, Occupations Code, by adding Subchapter F-1, as follows:

SUBCHAPTER F-1. GENERAL LICENSE, REGISTRATION, AND CERTIFICATION
REQUIREMENT

Sec. 1001.271. DEFINITION. Defines "license" for purposes of this subchapter.

SECTION 1.29. Transfers Section 1001.3035, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates it as Section 1001.272, Occupations Code, and makes no further changes.

SECTION 1.30. Amends Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, by adding Section 1001.2721, as follows:

Sec. 1001.2721. EXAMINATION DEVELOPMENT AND ADMINISTRATION. Authorizes the board, notwithstanding any other law, to adopt, recognize, develop, or contract for an examination required by this chapter or Chapter 1071, including the administration of the examination.

SECTION 1.31. Transfers Section 1001.306, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates it as Section 1001.273, Occupations Code, and amends it, as follows:

Sec. 1001.273. EXAMINATION RESULTS. (a) Requires the board, not later than the 30th day after the date a person takes an examination under this chapter or Chapter 1071, rather than a licensing examination under this chapter, to notify the person of the results of the examination.

(a-1) Makes no further changes to this subsection.

(b) Makes no further changes to this subsection.

(c) Requires the board, if requested in writing by a person who fails an examination administered under this chapter or Chapter 1071, rather than if requested in writing by a person who fails a licensing examination administered under this chapter, to furnish the person with an analysis of the person's performance on the examination.

(d) Makes no further changes to this subsection.

SECTION 1.32. Transfers Sections 1001.307 and 1001.352, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates them as Sections 1001.274 and 1001.275, Occupations Code, respectively, and makes no further changes.

SECTION 1.33. Transfers Sections 1001.353 and 1001.3535, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates them as Sections 1001.276 and 1001.277, Occupations Code, respectively, and amends them, as follows:

Sec. 1001.276. PROCEDURE FOR RENEWAL. (a) Authorizes a person who is otherwise eligible to renew a license to renew an unexpired license by paying the required renewal fee, rather than the required annual renewal fee, to the board before the expiration date of the license.

(b)-(c) Makes conforming changes to these subsections.

(d) Makes no changes to this subsection.

Sec. 1001.277. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) Requires an applicant renewing a license, rather than renewing a license issued under this chapter, to submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1001.272, rather than by Section 1001.3035 (Criminal History Record Information Requirement For License Issuance).

(b) Makes no changes to this subsection.

(c) Makes a conforming change to this subsection.

SECTION 1.34. Transfers Section 1001.354, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates it as Section 1001.278, Occupations Code, and makes no further changes.

SECTION 1.35. Transfers Section 1001.355, Occupations Code, to Subchapter F-1, Chapter 1001, Occupations Code, as added by this Act, redesignates it as Section 1001.279, Occupations Code, and amends it, as follows:

Sec. 1001.279. INACTIVE STATUS. (a) Makes conforming changes to this subsection.

(b) Requires an engineer or land surveyor on inactive status to pay a fee in an amount and at times prescribed by the board, rather than requiring a license holder on inactive status to pay an annual fee set by the board.

(c) Makes a conforming change. Provides that an engineer or land surveyor on inactive status is not required to:

(1) comply with the continuing education requirements adopted by the board under Section 1001.210 or 1071.305, as applicable; or

(2) makes no changes to this subdivision.

(d) Makes conforming changes to this subsection.

SECTION 1.36. Amends the heading to Subchapter G, Chapter 1001, Occupations Code, to read as follows:

SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS

SECTION 1.37. Amends Section 1001.305, Occupations Code, as follows:

Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. Authorizes the board by rule to waive all or part of the examination requirement for an applicant for the issuance or reissuance of a license under this chapter, rather than of a license.

SECTION 1.38. Amends Section 1001.311, Occupations Code, to make conforming changes.

SECTION 1.39. Amends Section 1001.312, Occupations Code, as follows:

Sec. 1001.312. REPLACEMENT LICENSE. Authorizes the board, subject to board rules, to issue a new license to replace a license issued under this chapter, rather than a license, that is lost, destroyed, or mutilated.

SECTION 1.40. Amends the heading to Subchapter H, Chapter 1001, Occupations Code, to read as follows:

SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

SECTION 1.41. Amends Section 1001.452, Occupations Code, as follows:

Sec. 1001.452. GROUNDS FOR DISCIPLINARY ACTION. Provides that a person is subject to disciplinary action under Section 1001.451 (Disciplinary Power of Board) for:

(1) a violation of this chapter or a board rule adopted under this chapter, rather than a violation of this chapter of a board rule;

(2)–(4) makes no changes to these subdivisions; or

(5) a failure to timely provide plans or specifications to the Texas Department of Licensing and Regulation as required by Chapter 469 (Elimination of Architectural Barriers), Government Code, rather than Article 9102, Revised Statutes.

SECTION 1.42. Amends Section 1001.501, Occupations Code, to make conforming changes.

SECTION 1.43. Amends Section 1001.502, Occupations Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Creates Subdivision (1) from existing text. Prohibits the amount of an administrative penalty from exceeding:

(1) \$5,000 for each violation of this chapter or a rule adopted or order issued under this chapter; and

(2) \$1,500 for each violation of Chapter 1071 or a rule adopted or order issued under Chapter 1071.

(a-1) Creates this subsection from existing text and makes no further changes.

SECTION 1.44. Amends Sections 1001.551(a) and (d), Occupations Code, to make conforming changes.

SECTION 1.45. Amends Section 1001.5511, Occupations Code, to make conforming changes.

SECTION 1.46. Amends Section 1001.552(a), Occupations Code, to provide that a person commits an offense if the person takes certain actions, including if the person violates this chapter with respect to the regulation of engineering, presents or attempts to use as the person's own the engineering license or seal of another, or gives false evidence of any kind to the board or a board member in obtaining an engineering license, and to make a nonsubstantive change.

SECTION 1.47. Amends Section 1001.553, Occupations Code, to make a conforming change.

SECTION 1.48. Amends Section 1001.554, Occupations Code, to make conforming changes.

SECTION 1.49. Amends Section 1001.555(a), Occupations Code, as follows:

(a) Requires the Texas attorney general to:

(1) makes no changes to this subdivision;

(2) provide legal assistance to the board as necessary to enforce this chapter or Chapter 1071 and make those laws effective, rather than provide legal assistance to the board as necessary to enforce this chapter and make it effective; and

(3) represent the board in an action brought to enforce this chapter or Chapter 1071, rather than this chapter.

SECTION 1.50. Amends Section 1001.556, Occupations Code, to make a conforming change.

SECTION 1.51. Amends Section 1071.002(1), Occupations Code, to make a conforming change to the definition of "board."

SECTION 1.52. Amends Section 1071.254(a), Occupations Code, as follows:

(a) Requires an applicant for registration as a registered professional land surveyor to:

(1)–(2) makes no changes to these subdivisions;

(3) have earned an associate or bachelor's degree from an accredited institution of higher education that included at least 16 semester hours in a combination of courses acceptable to the board in certain course, rather than if the application is filed after January 1, 2003, have earned a bachelor's degree from an accredited institution of higher education that included at least 32 semester hours in a combination of courses acceptable to the board in certain courses.

SECTION 1.53. Amends the heading to Section 1071.301, Occupations Code, to read as follows:

Sec. 1071.301. LICENSE TERM AND RENEWAL.

SECTION 1.54. Amends Section 1071.301, Occupations Code, by amending Subsection (a) and adding Subsections (a-1) and (a-2), as follows:

(a) Requires the board by rule to provide:

(1) that each certificate of registration or license under this chapter is valid for a term of one year or two years; and

(2) for the renewal of the certificate or license.

(a-1) Creates this subsection from existing text and authorizes the board by rule to adopt a system under which certificates of registration and licenses expire on various dates during the year.

(a-2) Creates this subsection from existing text and makes no further changes.

SECTION 1.55. Amends Section 1071.352(a-2), Occupations Code, as follows:

(a-2) Authorizes the board to refuse to issue or renew and authorizes the board to suspend or revoke the registration of a business entity and to impose an administrative penalty under Subchapter K (Administrative Penalty), Chapter 1001, rather than an

administrative penalty, against the owner of a business entity for a violation of this chapter by an employee, agent, or other representative of the entity, including a registered professional land surveyor employed by the entity.

SECTION 1.56. Amends Section 1071.401(a), Occupations Code, to require the board to revoke, suspend, or refuse to renew a certificate of registration or license, place on probation a person whose certificate or license has been suspended, or reprimand a registration holder or license holder for certain offenses, including a violation of this chapter or a board rule adopted under this chapter.

SECTION 1.57. Amends Sections 1071.4035(a) and (b), Occupations Code, as follows:

(a) Requires the board by rule to establish guidelines for an informal settlement conference related to a complaint filed with the board regarding conduct regulated under this chapter, rather than related to a complaint filed with the board.

(b) Authorizes the board, subject to Subsection (c), to order a person licensed or registered under this chapter to pay restitution to a consumer as provided in an agreement resulting from an informal settlement conference instead of or in addition to assessing an administrative penalty under Subchapter K, Chapter 1001, rather than under this chapter.

SECTION 1.58. Repealer: Section 1071.003 (Application of Sunset Act), Occupations Code.

Repealer: Subchapter B (Texas Board of Professional Land Surveying), Chapter 1071, Occupations Code.

Repealer: Subchapter C (Executive Director and Personnel), Chapter 1071, Occupations Code.

Repealer: Subchapter D (Powers and Duties of Board), Chapter 1071, Occupations Code.

Repealer: Subchapter E (Public Interest Information and Complaint Procedures), Chapter 1071, Occupations Code.

Repealer: Section 1071.255(c) (relating to prohibiting the board from issuing a license as a licensed state land surveyor to a person residing outside of this state), Occupations Code.

Repealer: Section 1071.257 (Examination Results), Occupations Code.

Repealer: Section 1071.258 (Reexamination; Fee), Occupations Code.

Repealer: Section 1071.263 (Inactive Status), Occupations Code.

Repealer: Section 1071.302 (Notice of Expiration), Occupations Code.

Repealer: Section 1071.303 (Procedure For Renewal), Occupations Code.

Repealer: Section 1071.402(b) (relating to requiring the board to assign an employee or contract with an investigator to investigate each alleged violation of this chapter or a board rule that is reported to the board), Occupations Code.

Repealer: Section 1071.402(c) (relating to authorizing a the board employee investigating an alleged violation to take certain actions), Occupations Code.

Repealer: Section 1071.402(d) (relating to requiring the board employee investigating an alleged violation to report the dismissal of a complaint to the board in a certain manner), Occupations Code.

Repealer: Section 1071.402(e) (relating to authorizing a person making a complaint that is dismissed to request reconsideration of the dismissal by the board), Occupations Code.

Repealer: Section 1071.402(f) (relating to authorizing the board to appoint a subcommittee of the board that includes at least one the board member who represents the public to assist in an investigation), Occupations Code.

Repealer: Section 1071.402(g) (relating to prohibiting the board from taking into consideration a previously dismissed complaint while resolving a complaint before the board), Occupations Code.

Repealer: Subchapter J (Administrative Penalty), Chapter 1071, Occupations Code.

Repealer: Section 1071.501 (Injunction), Occupations Code.

Repealer: Section 1071.502 (Enforcement by Attorney General), Occupations Code.

Repealer: Subchapter L (Examination Advisory Committees), Chapter 1071, Occupations Code.

ARTICLE 2. CONFORMING AMENDMENTS

SECTION 2.01. Amends Section 150.003(a), Civil Practice and Remedies Code, to make a conforming change.

SECTION 2.02. Amends Section 411.122(d), Government Code, as follows:

(d) Provides that the following state agencies are subject to this section (Access to Criminal History Records Information; Licensing or Regulatory Agency):

(1)–(4) makes no changes to these subdivisions;

(5) makes a conforming change to this subdivision;

(6)–(7) makes no changes to these subdivisions;

(8) the Health and Human Services Commission (HHSC), except as provided by Section 411.110 (Access to Criminal History Record Information: Department of State Health Services), and agencies attached to HHSC, rather than Department of State Health Services (DSHS), except as provided by Section 411.110, and agencies attached to DSHS, including certain agencies.

(9) deletes text naming the Board of Professional Land Surveying (TBPLS) as an agency subject to this section, redesignates existing Subdivision (10) as this subdivision, and renumbers the following subdivisions accordingly; and

(10)–(25) makes no further changes to these subdivisions.

SECTION 2.03. Amends Section 469.104, Government Code, to make a conforming change.

SECTION 2.04. Amends Section 472.001, Government Code, to make a conforming change.

SECTION 2.05. Amends Section 472.102(c), Government Code, to make a conforming change.

SECTION 2.06. Amends Section 2054.352(a), Government Code, to make conforming changes.

SECTION 2.07. Amends Section 2166.202(b), Government Code, to make a conforming change.

SECTION 2.08. Amends Section 361.901(6), Health and Safety Code, to make a conforming change to the definition of "licensed professional engineer."

SECTION 2.09. Amends Section 366.071(c), Health and Safety Code, to make a conforming change.

SECTION 2.10. Amends Sections 2210.2515(c) and (d), Insurance Code, to make conforming changes.

SECTION 2.11. Amends Section 89.023(a), Natural Resources Code, as follows:

(a) Authorizes the Railroad Commission of Texas (railroad commission) to grant an extension of the deadline for plugging an inactive well if the operator maintains a current organization report with the railroad commission as required by Section 91.142 (Report to Commission) and if, on or before the date of renewal of the operator's organization report as required by that section, the operator files with the railroad commission an application for an extension that includes:

(1)–(2) makes no changes to these subdivisions;

(3) at least one of the following:

(A) makes no changes to this paragraph;

(B) an abeyance of plugging report on a form approved by the railroad commission that:

(i) is in the form of a certification signed by a person licensed by the board as an engineer or by the Texas Board of Professional Geoscientists;

(ii)–(ii) makes no changes to these subparagraphs; or

(C)–(G) makes no changes to these paragraphs.

SECTION 2.12. Amends Section 1002.004(j), Occupations Code, to make a conforming change.

SECTION 2.13. Amends Sections 1051.607(b), (g), and (h), Occupations Code, to make conforming changes.

SECTION 2.14. Amends Section 223.151, Transportation Code, to make a conforming change.

SECTION 2.15. Amends Section 26.3573(u), Water Code, to make conforming changes.

SECTION 2.16. Amends Sections 26.364(b), (c), and (e), Water Code, to make conforming changes.

SECTION 2.17. Amends Sections 26.366(b), (c), and (e), Water Code, to make conforming changes.

ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

SECTION 3.01. (a) Provides that TBPLS is abolished but continues in existence until September 1, 2020, for the sole purpose of transferring obligations, property, rights, powers, and duties to the board as created by this Act. Provides that the board assumes all of the obligations, property, rights, powers, and duties of TBPLS as they exist immediately before the effective date of this Act. Provides that all unexpended funds appropriated to TBPLS are transferred to the board.

(b) Requires the board and TBPLS to, in consultation with appropriate state entities, ensure that the transfer of the obligations, property, rights, powers, and duties of TBPLS to the board is completed not later than September 1, 2020.

(c) Provides that all rules of TBPLS are continued in effect as rules of the board until superseded by a rule of the board. Provides that a certificate, license, registration, or other authorization issued by TBPLS is continued in effect as provided by the law in effect immediately before the effective date of this Act. Provides that an application for a certificate, license, registration, or other authorization pending on the effective date of this Act is continued without change in status after the effective date of this Act. Provides that a complaint, investigation, contested case, or other proceeding pending on the effective date of this Act is continued without change in status after the effective date of this Act.

SECTION 3.02. Provides that the change in law made by this Act to Section 1001.101, Occupations Code, does not affect the entitlement of a member serving on the Texas Board of Professional Engineers immediately before the effective date of this Act to continue to serve for the remainder of the member's term. Requires the governor, as the terms of board members expire, to appoint or reappoint members to board who have the qualifications required for members under Sections 1001.101 and 1001.102, Occupations Code, as amended by this Act.

SECTION 3.03. (a) Provides that except as provided by Subsection (b) of this section, Section 1001.112, Occupations Code, as amended by this Act, applies to a member of the board appointed before, on, or after the effective date of this Act.

(b) Provides that a member of a board who, before the effective date of this Act, completed the training program required by Section 1001.112, Occupations Code, as that section existed before the effective date of this Act, is required to complete additional training only on the subjects added by this Act to the training program. Prohibits a board member described by this subsection from voting, deliberating, or being counted as a member in attendance at a meeting of the board held on or after September 1, 2020, until the member completes the additional training.

SECTION 3.04. Makes application of Section 1071.254(a), Occupations Code, as amended by this Act, prospective.

SECTION 3.05. Provides that, to the extent of any conflict, this Act prevails over another Act of the 86th Legislature, Regular Session, 2019, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 3.06. Effective date: September 1, 2019.