

By: Nevárez

H.B. No. 1523

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the continuation of the regulation of land surveyors
3 and the transfer of the regulation to the Texas Board of
4 Professional Engineers and Land Surveyors, following the
5 recommendations of the Sunset Advisory Commission; changing fees.

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

7 ARTICLE 1. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
8 SURVEYORS

9 SECTION 1.01. The heading to Chapter 1001, Occupations
10 Code, is amended to read as follows:

11 CHAPTER 1001. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
12 SURVEYORS

13 SECTION 1.02. Section 1001.002, Occupations Code, is
14 amended by amending Subdivision (1) and adding Subdivision (3) to
15 read as follows:

16 (1) "Board" means the Texas Board of Professional
17 Engineers and Land Surveyors.

18 (3) "Land surveyor," "licensed state land surveyor,"
19 "professional surveying," "registered professional land surveyor,"
20 and "state land surveying" have the meanings assigned by Section
21 1071.002.

22 SECTION 1.03. Section 1001.004(e), Occupations Code, is
23 amended to read as follows:

24 (e) This chapter does not:

1 (1) prevent a person from identifying the person in
2 the name and trade of any engineers' labor organization with which
3 the person is affiliated;

4 (2) prohibit or otherwise restrict a person from
5 giving testimony or preparing an exhibit or document for the sole
6 purpose of being placed in evidence before an administrative or
7 judicial tribunal, subject to the board's disciplinary powers under
8 Subchapter J regarding negligence, incompetency, or misconduct in
9 the practice of engineering; or

10 (3) ~~[repeal or amend a law affecting or regulating a~~
11 ~~licensed state land surveyor; or~~

12 ~~[(4)]~~ affect or prevent the practice of any other
13 legally recognized profession by a member of the profession who is
14 licensed by the state or under the state's authority.

15 SECTION 1.04. Section [1001.005](#), Occupations Code, is
16 amended to read as follows:

17 Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board
18 of Professional Engineers and Land Surveyors is subject to Chapter
19 [325](#), Government Code (Texas Sunset Act). Unless continued in
20 existence as provided by that chapter, the board is abolished and
21 this chapter expires September 1, 2025.

22 SECTION 1.05. Section [1001.064](#), Occupations Code, is
23 amended to read as follows:

24 Sec. 1001.064. STATE LAND SURVEYORS. A licensed state land
25 surveyor is exempt from the requirements of this chapter regulating
26 the practice of engineering in performing the ~~[a]~~ state land
27 surveyor's duties.

1 SECTION 1.06. The heading to Subchapter C, Chapter 1001,
2 Occupations Code, is amended to read as follows:

3 SUBCHAPTER C. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
4 SURVEYORS

5 SECTION 1.07. Section 1001.101(a), Occupations Code, is
6 amended to read as follows:

7 (a) The Texas Board of Professional Engineers and Land
8 Surveyors consists of nine members appointed by the governor with
9 the advice and consent of the senate as follows:

- 10 (1) five [~~six~~] engineers; [~~and~~]
11 (2) one land surveyor; and
12 (3) three members who represent the public.

13 SECTION 1.08. Subchapter C, Chapter 1001, Occupations Code,
14 is amended by adding Section 1001.1011 to read as follows:

15 Sec. 1001.1011. EX OFFICIO MEMBER. The commissioner of the
16 General Land Office or a licensed state land surveyor employee of
17 the General Land Office designated by the commissioner as director
18 of surveying shall serve as an ex officio, nonvoting member of the
19 board.

20 SECTION 1.09. Section 1001.102, Occupations Code, is
21 amended by amending Subsection (a) and adding Subsection (d) to
22 read as follows:

23 (a) A person may not be a public member of the board if the
24 person or the person's spouse:

25 (1) is registered, certified, or licensed by a
26 regulatory agency in the field of engineering or land surveying;

27 (2) is employed by or participates in the management

1 of a business entity or other organization regulated by or
2 receiving money from the board;

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

6 (4) uses or receives a substantial amount of tangible
7 goods, services, or money from the board other than compensation or
8 reimbursement authorized by law for board membership, attendance,
9 or expenses.

10 (d) A land surveyor member of the board:

11 (1) must be:

12 (A) a licensed state land surveyor actively
13 engaged in the practice of state land surveying for not less than
14 the five years preceding appointment; or

15 (B) a registered professional land surveyor
16 actively engaged in the practice of professional surveying in this
17 state for not less than the five years preceding appointment; and

18 (2) may not be licensed as an engineer.

19 SECTION 1.10. Section 1001.103(a-1), Occupations Code, is
20 amended to read as follows:

21 (a-1) A person may not be a member of the board and may not
22 be a board employee employed in a "bona fide executive,
23 administrative, or professional capacity," as that phrase is used
24 for purposes of establishing an exemption to the overtime
25 provisions of the federal Fair Labor Standards Act of 1938 (29
26 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

27 (1) the person is an officer, employee, or paid

1 consultant of a Texas trade association in the field of engineering
2 or land surveying; or

3 (2) the person's spouse is an officer, manager, or paid
4 consultant of a Texas trade association in the field of engineering
5 or land surveying.

6 SECTION 1.11. Section [1001.105](#), Occupations Code, is
7 amended to read as follows:

8 Sec. 1001.105. PARTICIPATION OF PUBLIC MEMBERS. (a) The
9 board by majority vote may limit the participation of public
10 members in evaluating license, registration, or certification
11 applications.

12 (b) This section does not apply to the evaluation of
13 license, registration, or certification applications at an
14 official meeting of the board.

15 SECTION 1.12. Section [1001.107](#), Occupations Code, is
16 amended to read as follows:

17 Sec. 1001.107. PER DIEM. Each [A] board member, other than
18 the commissioner of the General Land Office, is entitled to receive
19 a per diem as set by the General Appropriations Act for each day
20 that the member engages in the business of the board.

21 SECTION 1.13. Section [1001.112\(b\)](#), Occupations Code, is
22 amended to read as follows:

23 (b) The training program must provide the person with
24 information regarding:

- 25 (1) this chapter and Chapter [1071](#);
- 26 (2) the programs operated by the board;
- 27 (3) the role and functions of the board;

1 (4) the rules of the board, with an emphasis on the
2 rules that relate to disciplinary and investigatory authority;

3 (5) the current budget for the board;

4 (6) the results of the most recent formal audit of the
5 board;

6 (7) the requirements of:

7 (A) the open meetings law, Chapter 551,
8 Government Code;

9 (B) the public information law, Chapter 552,
10 Government Code;

11 (C) the administrative procedure law, Chapter
12 2001, Government Code; and

13 (D) other laws relating to public officials,
14 including conflict-of-interest laws; and

15 (8) any applicable ethics policies adopted by the
16 board or the Texas Ethics Commission.

17 SECTION 1.14. Section 1001.201, Occupations Code, is
18 amended to read as follows:

19 Sec. 1001.201. GENERAL POWERS AND DUTIES. (a) The board
20 shall administer and enforce this chapter and Chapter 1071.

21 (b) The board may spend money for any purpose the board
22 considers reasonably necessary for the proper performance of its
23 duties under this chapter and Chapter 1071.

24 SECTION 1.15. Section 1001.202, Occupations Code, is
25 amended to read as follows:

26 Sec. 1001.202. RULES. The board may adopt and enforce any
27 rule or bylaw necessary to perform its duties, govern its

1 proceedings, and regulate the practice of engineering and land
2 surveying.

3 SECTION 1.16. Sections 1001.203(b) and (c), Occupations
4 Code, are amended to read as follows:

5 (b) Except as provided by Subsection (a), the board may not
6 adopt rules restricting advertising or competitive bidding by a
7 person regulated by the board [~~license holder~~] except to prohibit
8 false, misleading, or deceptive practices.

9 (c) In its rules to prohibit false, misleading, or deceptive
10 practices by a person regulated by the board, the board may not
11 include a rule that:

- 12 (1) restricts the use of any medium for advertising;
- 13 (2) restricts the use of the person's [~~a license~~
14 ~~holder's~~] personal appearance or voice in an advertisement;
- 15 (3) relates to the size or duration of an
16 advertisement by the person [~~license holder~~]; or
- 17 (4) restricts the person's [~~license holder's~~]
18 advertisement under a trade name.

19 SECTION 1.17. Section 1001.204, Occupations Code, is
20 amended to read as follows:

21 Sec. 1001.204. FEES. (a) The board shall establish [~~the~~
22 ~~following~~] fees in amounts reasonable and necessary to cover the
23 costs of administering this chapter and Chapter 1071, including:

- 24 (1) license, registration, and certification fees
25 [~~fee~~];
- 26 (2) [~~annual and late~~] renewal fee [~~fees~~];
- 27 (3) reciprocal license fee;

- 1 (4) duplicate license fee;
- 2 (5) [~~engineer-in-training certificate fee,~~
- 3 [~~(6)~~] roster [~~of engineers~~] fee;
- 4 (6) [~~(7)~~] examination fee;
- 5 [~~(8) registration fee for engineering firm,~~] and
- 6 (7) [~~(9)~~] inactive status fee.

7 (b) Fee revenue may not exceed the amount reasonable and
8 necessary to administer this chapter and Chapter 1071.

9 (c) General revenue of the state may not be used to pay the
10 costs of administering this chapter and Chapter 1071 in an amount
11 that exceeds the amount of fees received under this chapter and
12 Chapter 1071.

13 SECTION 1.18. Section 1001.205, Occupations Code, is
14 amended to read as follows:

15 Sec. 1001.205. REDUCED FEES: ELDERLY, DISABLED, INACTIVE
16 STATUS. (a) For purposes of this section, a person is disabled if
17 the person has a mental or physical impairment that substantially
18 limits the ability of the person to earn a living as an engineer or
19 land surveyor, other than an impairment caused by a current
20 addiction to the use of alcohol or an illegal drug or controlled
21 substance.

22 (b) The board by rule may adopt reduced license fees and
23 [~~annual~~] renewal fees for engineers and land surveyors who are:

- 24 (1) at least 65 years of age; or
- 25 (2) disabled and not actively engaged in the practice
26 of engineering or land surveying.

27 (c) A person entitled to reduced fees under Subsection

1 (b)(2) shall notify the board that the person has resumed the active
2 practice of engineering or land surveying not later than the 15th
3 day after the date the person resumes active practice.

4 SECTION 1.19. Section [1001.207](#), Occupations Code, is
5 amended to read as follows:

6 Sec. 1001.207. STANDARDS OF CONDUCT AND ETHICS. The board
7 may establish standards of conduct and ethics for engineers and
8 land surveyors in keeping with the purposes and intent of this
9 chapter and Chapter [1071](#) and to ensure strict compliance with and
10 enforcement of this chapter and Chapter [1071](#).

11 SECTION 1.20. The heading to Section [1001.208](#), Occupations
12 Code, is amended to read as follows:

13 Sec. 1001.208. ROSTER OF ENGINEERS AND LAND SURVEYORS.

14 SECTION 1.21. Section [1001.209](#), Occupations Code, is
15 amended to read as follows:

16 Sec. 1001.209. REGISTER OF APPLICANTS. The board shall
17 maintain a register of each application for a license or
18 registration under this chapter or Chapter [1071](#) [~~applications~~] that
19 shows:

- 20 (1) the name, age, and residence of each applicant;
- 21 (2) the date of the application;
- 22 (3) the applicant's place of business;
- 23 (4) the applicant's educational and other
24 qualifications;
- 25 (5) whether an examination was required;
- 26 (6) whether the applicant was issued or denied a
27 license or registration;

- 1 (7) the date of board action; and
2 (8) any other information the board considers
3 necessary.

4 SECTION 1.22. Section 1001.210, Occupations Code, is
5 amended to read as follows:

6 Sec. 1001.210. CONTINUING EDUCATION PROGRAMS FOR
7 ENGINEERS. (a) The board shall recognize, prepare, or administer
8 continuing education programs for engineers [~~its license holders~~].
9 An engineer [~~A license holder~~] must participate in the programs to
10 the extent required by the board to keep the engineer's [~~person's~~]
11 license.

12 (b) The board may not require an engineer [~~a license holder~~]
13 to obtain more than 15 hours of continuing education annually. The
14 board shall permit an engineer [~~a license holder~~] to certify at the
15 time the license is renewed that the engineer [~~license holder~~] has
16 complied with the board's continuing education requirements.

17 (c) The board shall permit an engineer [~~a license holder~~] to
18 receive continuing education credit for educational, technical,
19 ethical, or professional management activities related to the
20 practice of engineering, including:

21 (1) successfully completing or auditing a course
22 sponsored by an institution of higher education;

23 (2) successfully completing a course certified by a
24 professional or trade organization;

25 (3) attending a seminar, tutorial, short course,
26 correspondence course, videotaped course, or televised course;

27 (4) participating in an in-house course sponsored by a

1 corporation or other business entity;

2 (5) teaching a course described by Subdivisions
3 (1)-(4);

4 (6) publishing an article, paper, or book on the
5 practice of engineering;

6 (7) making or attending a presentation at a meeting of
7 a technical or engineering management society or organization or
8 writing a paper presented at such a meeting;

9 (8) participating in the activities of a professional
10 society or association, including serving on a committee of the
11 organization; and

12 (9) engaging in self-directed study.

13 (d) An engineer [~~A license holder~~] may not receive more than
14 five continuing education credit hours annually for engaging in
15 self-directed study.

16 SECTION 1.23. Section [1001.212](#), Occupations Code, is
17 amended to read as follows:

18 Sec. 1001.212. CONFIDENTIALITY OF CERTAIN INFORMATION
19 RELATED TO [~~LICENSE~~] APPLICATION. (a) A statement made by a person
20 providing a reference for an applicant and other pertinent
21 information compiled by or submitted to the board relating to an
22 applicant for licensing, registration, or certification [~~a~~
23 ~~license~~] under this chapter or Chapter [1071](#) is privileged and
24 confidential.

25 (b) Information described by Subsection (a) may be used only
26 by the board or its employees or agents who are directly involved in
27 the application or licensing, registration, or certification

1 process. The information is not subject to discovery, subpoena, or
2 other disclosure.

3 SECTION 1.24. Section [1001.213\(a\)](#), Occupations Code, is
4 amended to read as follows:

5 (a) The board may request and, if necessary, compel by
6 subpoena:

7 (1) the attendance of a witness for examination under
8 oath; and

9 (2) the production for inspection or copying of
10 records, documents, and other evidence relevant to the
11 investigation of an alleged violation of this chapter or Chapter
12 [1071](#).

13 SECTION 1.25. Subchapter E, Chapter [1001](#), Occupations Code,
14 is amended by adding Section 1001.216 to read as follows:

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

19 (b) The board may not adopt a rule related to the scope of
20 practice of, the professional or technical standards for, or the
21 standards of conduct and ethics for land surveyors before
22 considering advice and recommendations from the advisory committee
23 described in Subsection (a).

24 (c) The board may appoint additional advisory committees to
25 provide advice and recommendations to the board on any other matter
26 relevant to the administration of this chapter or Chapter [1071](#).

27 SECTION 1.26. Section [1001.251\(a\)](#), Occupations Code, is

1 amended to read as follows:

2 (a) The board shall prepare information of consumer
3 interest describing:

4 (1) the regulatory functions of the board under this
5 chapter and Chapter 1071; and

6 (2) the procedures by which consumer complaints are
7 filed with and resolved by the board.

8 SECTION 1.27. Sections 1001.252(a) and (d), Occupations
9 Code, are amended to read as follows:

10 (a) The board shall adopt rules that permit the board to
11 receive and investigate a confidential complaint against a [~~license~~
12 ~~holder or other~~] person who may have violated this chapter or
13 Chapter 1071. The board shall maintain the confidentiality of the
14 complaint during the investigation.

15 (d) The board shall consider any written grievance against a
16 [~~license holder or other~~] person filed with the board as a
17 complaint.

18 SECTION 1.28. Chapter 1001, Occupations Code, is amended by
19 adding Subchapter F-1 to read as follows:

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

22 Sec. 1001.271. DEFINITION. In this subchapter, "license"
23 means a license, certification, registration, or other
24 authorization that is issued by the board under this chapter or
25 Chapter 1071.

26 SECTION 1.29. Section 1001.3035, Occupations Code, is
27 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as

1 added by this Act, and redesignated as Section 1001.272,
2 Occupations Code, to read as follows:

3 Sec. 1001.272 [~~1001.3035~~]. CRIMINAL HISTORY RECORD
4 INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) The board shall
5 require that an applicant for a license submit a complete and
6 legible set of fingerprints, on a form prescribed by the board, to
7 the board or to the Department of Public Safety for the purpose of
8 obtaining criminal history record information from the Department
9 of Public Safety and the Federal Bureau of Investigation.

10 (b) The board may not issue a license to a person who does
11 not comply with the requirement of Subsection (a).

12 (c) The board shall conduct a criminal history check of each
13 applicant for a license using information:

14 (1) provided by the individual under this section; and

15 (2) made available to the board by the Department of
16 Public Safety, the Federal Bureau of Investigation, and any other
17 criminal justice agency under Chapter 411, Government Code.

18 (d) The board may:

19 (1) enter into an agreement with the Department of
20 Public Safety to administer a criminal history check required under
21 this section; and

22 (2) authorize the Department of Public Safety to
23 collect from each applicant the costs incurred by the Department of
24 Public Safety in conducting the criminal history check.

25 SECTION 1.30. Subchapter F-1, Chapter 1001, Occupations
26 Code, as added by this Act, is amended by adding Section 1001.2721
27 to read as follows:

1 Sec. 1001.2721. EXAMINATION DEVELOPMENT AND
2 ADMINISTRATION. Notwithstanding any other law, the board may
3 adopt, recognize, develop, or contract for an examination required
4 by this chapter or Chapter 1071, including the administration of
5 the examination.

6 SECTION 1.31. Section 1001.306, Occupations Code, is
7 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
8 added by this Act, redesignated as Section 1001.273, Occupations
9 Code, and amended to read as follows:

10 Sec. 1001.273 [~~1001.306~~]. EXAMINATION RESULTS. (a) Not
11 later than the 30th day after the date a person takes an [~~a~~
12 ~~licensing~~] examination under this chapter or Chapter 1071, the
13 board shall notify the person of the results of the examination.

14 (a-1) If the examination is graded or reviewed by a testing
15 service:

16 (1) the board shall notify the person of the results of
17 the examination not later than the 14th day after the date the board
18 receives the results from the testing service; and

19 (2) if notice of the examination results will be
20 delayed for longer than 90 days after the examination date, the
21 board shall notify the person of the reason for the delay before the
22 90th day.

23 (b) The board may require a testing service to notify a
24 person of the results of the person's examination.

25 (c) If requested in writing by a person who fails an [~~a~~
26 ~~licensing~~] examination administered under this chapter or Chapter
27 1071, the board shall furnish the person with an analysis of the

1 person's performance on the examination.

2 (d) Examination results reported under this section must
3 include a numerical score and an indication of whether the person
4 passed or failed the examination.

5 SECTION 1.32. Sections 1001.307 and 1001.352, Occupations
6 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
7 Code, as added by this Act, and redesignated as Sections 1001.274
8 and 1001.275, Occupations Code, respectively, to read as follows:

9 Sec. 1001.274 [~~1001.307~~]. REEXAMINATION. The board may
10 permit reexamination of an applicant on payment of an appropriate
11 reexamination fee in an amount set by the board.

12 Sec. 1001.275 [~~1001.352~~]. NOTICE OF LICENSE EXPIRATION.
13 Not later than the 30th day before the date a person's license is
14 scheduled to expire, the board shall send written notice of the
15 impending expiration to the person at the person's last known
16 address according to the records of the board.

17 SECTION 1.33. Sections 1001.353 and 1001.3535, Occupations
18 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
19 Code, as added by this Act, redesignated as Sections 1001.276 and
20 1001.277, Occupations Code, respectively, and amended to read as
21 follows:

22 Sec. 1001.276 [~~1001.353~~]. PROCEDURE FOR RENEWAL. (a) A
23 person who is otherwise eligible to renew a license may renew an
24 unexpired license by paying the required [~~annual~~] renewal fee to
25 the board before the expiration date of the license. A person whose
26 license has expired may not engage in activities that require a
27 license until the license has been renewed.

1 (b) A person whose license has been expired for 90 days or
2 less may renew the license by paying to the board the required
3 [~~annual~~] renewal fee and a late renewal fee.

4 (c) A person whose license has been expired for more than 90
5 days but less than two years may renew the license by paying to the
6 board the required [~~annual~~] renewal fee and a late renewal fee for
7 each delinquent year or part of a year.

8 (d) A person whose license has been expired for two years or
9 more may not renew the license. The person may obtain a new license
10 by complying with the requirements and procedures, including the
11 examination requirements, for obtaining an original license.

12 Sec. 1001.277 [~~1001.3535~~]. CRIMINAL HISTORY RECORD
13 INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant
14 renewing a license [~~issued under this chapter~~] shall submit a
15 complete and legible set of fingerprints for purposes of performing
16 a criminal history check of the applicant as provided by Section
17 1001.272 [~~1001.3035~~].

18 (b) The board may not renew the license of a person who does
19 not comply with the requirement of Subsection (a).

20 (c) A license holder is not required to submit fingerprints
21 under this section for the renewal of the license if the license
22 holder has previously submitted fingerprints under:

23 (1) Section 1001.272 [~~1001.3035~~] for the initial
24 issuance of the license; or

25 (2) this section as part of a prior license renewal.

26 SECTION 1.34. Section 1001.354, Occupations Code, is
27 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as

1 added by this Act, and redesignated as Section 1001.278,
2 Occupations Code, to read as follows:

3 Sec. 1001.278 [~~1001.354~~]. RENEWAL OF EXPIRED LICENSE BY
4 OUT-OF-STATE PRACTITIONER. (a) A person who was licensed in this
5 state, moved to another state, and is currently licensed and has
6 been in practice in the other state for the two years preceding the
7 date of application may obtain a new license without reexamination.

8 (b) The person must pay to the board a fee that is equal to
9 two times the normally required renewal fee for the license.

10 SECTION 1.35. Section 1001.355, Occupations Code, is
11 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
12 added by this Act, redesignated as Section 1001.279, Occupations
13 Code, and amended to read as follows:

14 Sec. 1001.279 [~~1001.355~~]. INACTIVE STATUS. (a) An
15 engineer or land surveyor may request inactive status at any time.
16 An engineer or land surveyor [~~A license holder~~] on inactive status
17 may not practice engineering or land surveying, as applicable.

18 (b) An engineer or land surveyor [~~A license holder~~] on
19 inactive status must pay a [~~an annual~~] fee in an amount and at times
20 prescribed [~~set~~] by the board.

21 (c) An engineer or land surveyor [~~A license holder~~] on
22 inactive status is not required to:

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

26 (2) take an examination for reinstatement to active
27 status.

1 (d) To return to active status, an engineer or land surveyor
2 [~~a license holder~~] on inactive status must:

3 (1) file with the board a written notice requesting
4 reinstatement to active status;

5 (2) pay the fee for the [~~annual~~] renewal of the
6 license; and

7 (3) provide evidence satisfactory to the board that
8 the person has complied with the continuing education requirements
9 adopted by the board under Section 1001.210 or 1071.305, as
10 applicable.

11 SECTION 1.36. The heading to Subchapter G, Chapter 1001,
12 Occupations Code, is amended to read as follows:

13 SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS

14 SECTION 1.37. Section 1001.305, Occupations Code, is
15 amended to read as follows:

16 Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. The
17 board by rule may waive all or part of the examination requirement
18 for an applicant for the issuance or reissuance of a license under
19 this chapter. The board may not waive the requirement unless the
20 board first determines that:

21 (1) the applicant possesses sufficient qualifications
22 to justify the waiver; and

23 (2) issuing or reissuing the license to the applicant
24 does not pose a threat to the public health, safety, or welfare.

25 SECTION 1.38. Section 1001.311, Occupations Code, is
26 amended to read as follows:

27 Sec. 1001.311. APPLICATION BY NONRESIDENT. (a) A person

1 who holds a license or certificate of registration issued by
2 another state or a foreign country may apply under this chapter for
3 a license in this state.

4 (b) The board may waive any prerequisite to obtaining a
5 license under this chapter for an applicant after reviewing the
6 applicant's credentials and determining that the applicant holds a
7 license issued by another jurisdiction that has licensing
8 requirements substantially equivalent to those of this state.

9 SECTION 1.39. Section 1001.312, Occupations Code, is
10 amended to read as follows:

11 Sec. 1001.312. REPLACEMENT LICENSE. The board, subject to
12 board rules, may issue a new license to replace a license issued
13 under this chapter that is lost, destroyed, or mutilated.

14 SECTION 1.40. The heading to Subchapter H, Chapter 1001,
15 Occupations Code, is amended to read as follows:

16 SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

17 SECTION 1.41. Section 1001.452, Occupations Code, is
18 amended to read as follows:

19 Sec. 1001.452. GROUNDS FOR DISCIPLINARY ACTION. A person
20 is subject to disciplinary action under Section 1001.451 for:

21 (1) a violation of this chapter or a board rule adopted
22 under this chapter;

23 (2) fraud or deceit in obtaining a license;

24 (3) a documented instance of retaliation by an
25 applicant against an individual who has served as a reference for
26 that applicant;

27 (4) gross negligence, incompetency, or misconduct in

1 the practice of engineering; or

2 (5) a failure to timely provide plans or
3 specifications to the Texas Department of Licensing and Regulation
4 as required by Chapter 469, Government Code [~~Article 9102, Revised~~
5 ~~Statutes~~].

6 SECTION 1.42. Section 1001.501, Occupations Code, is
7 amended to read as follows:

8 Sec. 1001.501. IMPOSITION OF ADMINISTRATIVE PENALTY. The
9 board may impose an administrative penalty on a person who violates
10 this chapter or Chapter 1071 or a rule adopted or order issued under
11 this chapter or Chapter 1071.

12 SECTION 1.43. Section 1001.502, Occupations Code, is
13 amended by amending Subsection (a) and adding Subsection (a-1) to
14 read as follows:

15 (a) The amount of an administrative penalty may not exceed:

16 (1) \$5,000 for each violation of this chapter or a rule
17 adopted or order issued under this chapter; and

18 (2) \$1,500 for each violation of Chapter 1071 or a rule
19 adopted or order issued under Chapter 1071.

20 (a-1) Each day a violation continues or occurs is a separate
21 violation for purposes of imposing a penalty.

22 SECTION 1.44. Sections 1001.551(a) and (d), Occupations
23 Code, are amended to read as follows:

24 (a) In addition to any other action authorized by law, the
25 board may bring an action in the board's name to enjoin a person
26 from violating this chapter or Chapter 1071 or a board rule adopted
27 under this chapter or Chapter 1071.

1 (d) In an action for an injunction under this section, the
2 defendant may assert and prove as a complete defense to the action
3 that the board deprived the defendant of a license, certificate, or
4 registration by a board action or proceeding that was:

- 5 (1) arbitrary or capricious;
- 6 (2) contrary to law; or
- 7 (3) conducted without due process of law.

8 SECTION 1.45. Section [1001.5511](#), Occupations Code, is
9 amended to read as follows:

10 Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to
11 the board that a person who is not licensed, certified, or
12 registered under this chapter or Chapter [1071](#) is violating this
13 chapter or Chapter [1071](#), a rule adopted under this chapter or
14 Chapter [1071](#), or another state statute or rule relating to the
15 practice of engineering or land surveying, the board, after notice
16 and opportunity for a hearing, may issue a cease and desist order
17 prohibiting the person from engaging in the activity.

18 SECTION 1.46. Section [1001.552\(a\)](#), Occupations Code, is
19 amended to read as follows:

- 20 (a) A person commits an offense if the person:
 - 21 (1) engages in the practice of engineering without
22 being licensed or exempted from the licensing requirement under
23 this chapter;
 - 24 (2) violates this chapter with respect to the
25 regulation of engineering;
 - 26 (3) presents or attempts to use as the person's own the
27 engineering license or seal of another; or

1 (4) gives false evidence of any kind to the board or a
2 board member in obtaining an engineering [a] license.

3 SECTION 1.47. Section 1001.553, Occupations Code, is
4 amended to read as follows:

5 Sec. 1001.553. REPORT OF VIOLATION. A public official
6 shall report a violation of this chapter or Chapter 1071 to the
7 proper authorities.

8 SECTION 1.48. Section 1001.554, Occupations Code, is
9 amended to read as follows:

10 Sec. 1001.554. PRESENTATION OF COMPLAINTS BY BOARD;
11 ASSISTANCE AT TRIAL. (a) A member of the board may present to a
12 prosecuting officer a complaint relating to a violation of this
13 chapter or Chapter 1071.

14 (b) The board through its members, officers, counsel, and
15 agents and subject to the control of the prosecuting officer may
16 assist in the trial of a case involving an alleged violation of this
17 chapter or Chapter 1071.

18 SECTION 1.49. Section 1001.555(a), Occupations Code, is
19 amended to read as follows:

20 (a) The attorney general shall:

21 (1) act as legal advisor of the board;

22 (2) provide legal assistance to the board as necessary
23 to enforce this chapter or Chapter 1071 and make those laws [~~it~~]
24 effective; and

25 (3) represent the board in an action brought to
26 enforce this chapter or Chapter 1071.

27 SECTION 1.50. Section 1001.556, Occupations Code, is

1 amended to read as follows:

2 Sec. 1001.556. APPEAL BOND. The board is not required to
3 give an appeal bond in a cause arising under this chapter or Chapter
4 1071.

5 SECTION 1.51. Section 1071.002(1), Occupations Code, is
6 amended to read as follows:

7 (1) "Board" means the Texas Board of Professional
8 Engineers and Land Surveyors [~~Surveying~~].

9 SECTION 1.52. Section 1071.254(a), Occupations Code, is
10 amended to read as follows:

11 (a) An applicant for registration as a registered
12 professional land surveyor must:

13 (1) hold a certificate as a surveyor-in-training;

14 (2) have at least two years of experience satisfactory
15 to the board as a surveyor-in-training in performing surveying in
16 delegated responsible charge as a subordinate to a surveyor
17 registered or licensed to engage in the practice of surveying in
18 this state or in another state having registration or licensing
19 requirements equivalent to the requirements of this state; and

20 (3) [~~if the application is filed after January 1,~~
21 ~~2003,~~] have earned an associate or [~~a~~] bachelor's degree from an
22 accredited institution of higher education that included at least
23 16 [~~32~~] semester hours in a combination of courses acceptable to the
24 board in:

25 (A) civil engineering;

26 (B) land surveying;

27 (C) mathematics;

- 1 (D) photogrammetry;
- 2 (E) forestry;
- 3 (F) land law; or
- 4 (G) the physical sciences.

5 SECTION 1.53. The heading to Section 1071.301, Occupations
6 Code, is amended to read as follows:

7 Sec. 1071.301. LICENSE TERM AND ~~[ANNUAL]~~ RENEWAL
8 ~~[REQUIRED]~~.

9 SECTION 1.54. Section 1071.301, Occupations Code, is
10 amended by amending Subsection (a) and adding Subsections (a-1) and
11 (a-2) to read as follows:

12 (a) The board by rule shall provide:

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

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

16 (a-1) The board by rule may adopt a system under which
17 certificates of registration and licenses expire on various dates
18 during the year.

19 (a-2) For the year in which the certificate or license
20 expiration date is changed, the board shall prorate certificate and
21 license fees on a monthly basis so that each certificate or license
22 holder pays only that portion of the certificate or license fee that
23 is allocable to the number of months during which the certificate or
24 license is valid. On renewal of the certificate or license on the
25 new expiration date, the total certificate or license renewal fee
26 is payable.

27 SECTION 1.55. Section 1071.352(a-2), Occupations Code, is

1 amended to read as follows:

2 (a-2) The board may refuse to issue or renew and may suspend
3 or revoke the registration of a business entity and may impose an
4 administrative penalty under Subchapter K, Chapter 1001, against
5 the owner of a business entity for a violation of this chapter by an
6 employee, agent, or other representative of the entity, including a
7 registered professional land surveyor employed by the entity.

8 SECTION 1.56. Section 1071.401(a), Occupations Code, is
9 amended to read as follows:

10 (a) The board shall revoke, suspend, or refuse to renew a
11 certificate of registration or license, place on probation a person
12 whose certificate or license has been suspended, or reprimand a
13 registration holder or license holder for:

14 (1) fraud or deceit in obtaining a certificate or
15 license under this chapter;

16 (2) gross negligence, incompetence, or misconduct in
17 the practice of surveying as a land surveyor; or

18 (3) a violation of this chapter or a board rule adopted
19 under this chapter.

20 SECTION 1.57. Sections 1071.4035(a) and (b), Occupations
21 Code, are amended to read as follows:

22 (a) The board by rule shall establish guidelines for an
23 informal settlement conference related to a complaint filed with
24 the board regarding conduct regulated under this chapter.

25 (b) Subject to Subsection (c), the board may order a person
26 licensed or registered under this chapter to pay restitution to a
27 consumer as provided in an agreement resulting from an informal

1 settlement conference instead of or in addition to assessing an
2 administrative penalty under Subchapter K, Chapter 1001 [~~this~~
3 ~~chapter~~].

4 SECTION 1.58. The following provisions of the Occupations
5 Code are repealed:

- 6 (1) Section [1071.003](#);
- 7 (2) Subchapter B, Chapter [1071](#);
- 8 (3) Subchapter C, Chapter [1071](#);
- 9 (4) Subchapter D, Chapter [1071](#);
- 10 (5) Subchapter E, Chapter [1071](#);
- 11 (6) Section [1071.255\(c\)](#);
- 12 (7) Section [1071.257](#);
- 13 (8) Section [1071.258](#);
- 14 (9) Section [1071.263](#);
- 15 (10) Section [1071.302](#);
- 16 (11) Section [1071.303](#);
- 17 (12) Sections [1071.402\(b\)](#), (c), (d), (e), (f), and
18 (g);
- 19 (13) Subchapter J, Chapter [1071](#);
- 20 (14) Section [1071.501](#);
- 21 (15) Section [1071.502](#); and
- 22 (16) Subchapter L, Chapter [1071](#).

23 ARTICLE 2. CONFORMING AMENDMENTS

24 SECTION 2.01. Section [150.003\(a\)](#), Civil Practice and
25 Remedies Code, is amended to read as follows:

26 (a) This section applies only to a licensed or registered
27 professional who provides architectural or engineering services if

1 the services:

2 (1) are authorized, as appropriate for the
3 professional, in:

4 (A) Chapter 1001, Occupations Code;

5 (B) Chapter 1051, Occupations Code;

6 (C) 22 T.A.C. Part 6 (Texas Board of
7 Professional Engineers and Land Surveyors), Chapter 137
8 (Compliance and Professionalism); and

9 (D) 22 T.A.C. Part 1 (Texas Board of
10 Architectural Examiners), Chapter 1 (Architects), Subchapter H
11 (Professional Conduct);

12 (2) subject to Subsection (d), are provided
13 voluntarily and without compensation or the expectation of
14 compensation;

15 (3) are in response to and provided during the
16 duration of a proclaimed state of emergency under Section 433.001,
17 Government Code, or a declared state of disaster under Section
18 418.014, Government Code;

19 (4) are provided at the request or with the approval of
20 a federal, state, or local public official acting in an official
21 capacity in response to the proclaimed state of emergency or
22 declared disaster, including a law enforcement official, public
23 safety official, or building inspection official; and

24 (5) are related to a structure, building, roadway,
25 piping, or other system, either publicly or privately owned.

26 SECTION 2.02. Section 411.122(d), Government Code, is
27 amended to read as follows:

1 (d) The following state agencies are subject to this
2 section:

3 (1) Texas Appraiser Licensing and Certification
4 Board;

5 (2) Texas Board of Architectural Examiners;

6 (3) Texas Board of Chiropractic Examiners;

7 (4) State Board of Dental Examiners;

8 (5) Texas Board of Professional Engineers and Land
9 Surveyors;

10 (6) Texas Funeral Service Commission;

11 (7) Texas Board of Professional Geoscientists;

12 (8) [~~Department of State~~] Health and Human Services
13 Commission, except as provided by Section 411.110, and agencies
14 attached to the commission [~~department~~], including:

15 (A) Texas State Board of Examiners of Marriage
16 and Family Therapists;

17 (B) Texas State Board of Examiners of
18 Professional Counselors; and

19 (C) Texas State Board of Social Worker Examiners;

20 (9) [~~Texas Board of Professional Land Surveying~~;

21 [~~(10)~~] Texas Department of Licensing and Regulation,
22 except as provided by Section 411.093;

23 (10) [~~(11)~~] Texas Commission on Environmental
24 Quality;

25 (11) [~~(12)~~] Texas Board of Occupational Therapy
26 Examiners;

27 (12) [~~(13)~~] Texas Optometry Board;

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

20 SECTION 2.03. Section [469.104](#), Government Code, is amended

21 to read as follows:

22 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.

23 The commission shall report to the Texas Board of Architectural

24 Examiners, the Texas Board of Professional Engineers and Land

25 Surveyors, or another appropriate licensing authority the failure

26 of any architect, interior designer, landscape architect, or

27 engineer to submit or resubmit in a timely manner plans and

1 specifications to the department as required by this subchapter.

2 SECTION 2.04. Section 472.001, Government Code, is amended
3 to read as follows:

4 Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter
5 applies to:

- 6 (1) the Texas State Board of Public Accountancy;
- 7 (2) the Texas Board of Professional Engineers and Land
8 Surveyors; and
- 9 (3) the Texas Board of Architectural Examiners.

10 SECTION 2.05. Section 472.102(c), Government Code, is
11 amended to read as follows:

12 (c) The Texas State Board of Public Accountancy shall
13 annually remit \$703,344 to the general revenue fund, the Texas
14 Board of Professional Engineers and Land Surveyors shall annually
15 remit \$373,900 to the general revenue fund, and the Texas Board of
16 Architectural Examiners shall annually remit \$510,000 to the
17 general revenue fund.

18 SECTION 2.06. Section 2054.352(a), Government Code, is
19 amended to read as follows:

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

- 22 (1) Texas Board of Chiropractic Examiners;
- 23 (2) Judicial Branch Certification Commission;
- 24 (3) State Board of Dental Examiners;
- 25 (4) Texas Funeral Service Commission;
- 26 (5) [~~Texas Board of Professional Land Surveying,~~
27 [~~6~~] Texas Medical Board;

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

1 (23) [~~(25)~~] Texas Commission on Law Enforcement; and

2 (24) [~~(26)~~] Texas Private Security Board.

3 SECTION 2.07. Section 2166.202(b), Government Code, is
4 amended to read as follows:

5 (b) The commission, in consultation with the Texas Board of
6 Architectural Examiners and the Texas Board of Professional
7 Engineers and Land Surveyors, shall adopt by rule criteria to
8 evaluate the competence and qualifications of a prospective private
9 design professional.

10 SECTION 2.08. Section 361.901(6), Health and Safety Code,
11 is amended to read as follows:

12 (6) "Licensed professional engineer" means a person
13 licensed as an engineer by the Texas Board of Professional
14 Engineers and Land Surveyors.

15 SECTION 2.09. Section 366.071(c), Health and Safety Code,
16 is amended to read as follows:

17 (c) A person who conducts preconstruction site evaluations,
18 including visiting a site and performing a soil analysis, a site
19 survey, or other activities necessary to determine the suitability
20 of a site for an on-site sewage disposal system must hold a license
21 issued by the commission under Chapter 37, Water Code, unless the
22 person is licensed by the Texas Board of Professional Engineers and
23 Land Surveyors as an engineer.

24 SECTION 2.10. Sections 2210.2515(c) and (d), Insurance
25 Code, are amended to read as follows:

26 (c) A person may apply to the association on a form
27 prescribed by the department for a certificate of compliance for a

1 completed improvement. The association shall issue a certificate
2 of compliance for a completed improvement if a professional
3 engineer licensed by the Texas Board of Professional Engineers and
4 Land Surveyors:

5 (1) has designed the improvement, has affixed the
6 engineer's seal on the design, and submits to the association on a
7 form prescribed by the department an affirmation of compliance with
8 the applicable building code under the plan of operation; or

9 (2) completes a sealed post-construction evaluation
10 report that confirms compliance with the applicable building code
11 under the plan of operation.

12 (d) A person may apply to the department on a form
13 prescribed by the department for a certificate of compliance for an
14 ongoing improvement. Except as provided by Subsection (e), the
15 department shall issue a certificate of compliance for an ongoing
16 improvement if a qualified inspector under Section [2210.254](#)
17 inspects the ongoing improvement in accordance with commissioner
18 rule and affirms that the improvement:

19 (1) conforms to a design of the improvement that has a
20 seal affixed by a professional engineer licensed by the Texas Board
21 of Professional Engineers and Land Surveyors and complies with the
22 applicable building code under the plan of operation; or

23 (2) complies with the applicable building code under
24 the plan of operation.

25 SECTION 2.11. 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 operator has, and on request
8 will provide, evidence of a good faith claim to a continuing right
9 to operate the well; and

10 (3) at least one of the following:

11 (A) documentation that since the preceding date
12 that the operator's organization report was required to be renewed
13 the operator has plugged, or restored to active operation as
14 defined by commission rule, a number of inactive wells equal to or
15 greater than 10 percent of the number of inactive wells operated by
16 the operator on that date;

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

19 (i) is in the form of a certification signed
20 by a person licensed by the Texas Board of Professional Engineers
21 and Land Surveyors as an engineer or by the Texas Board of
22 Professional Geoscientists;

23 (ii) includes:

24 (a) an affirmation by the licensed
25 person that the well has:

26 (1) a reasonable expectation of
27 economic value in excess of the cost of plugging the well for the

1 duration of the period covered by the report, based on the cost
2 calculation for plugging an inactive well; and

3 (2) a reasonable expectation of
4 being restored to a beneficial use that will prevent waste of oil or
5 gas resources that otherwise would not be produced if the well were
6 plugged; and

7 (b) appropriate documentation
8 demonstrating the basis for the affirmation of the well's future
9 utility; and

10 (iii) specifies the field and the covered
11 wells within that field in a format prescribed by the commission;

12 (C) a statement that the well is part of an
13 enhanced oil recovery project;

14 (D) if the operator of the well is not currently
15 otherwise required by commission rule or order to conduct a fluid
16 level or hydraulic pressure test of the well, documentation of the
17 results of a successful fluid level or hydraulic pressure test of
18 the well conducted in accordance with the commission's rules in
19 effect at the time the test is conducted;

20 (E) a supplemental bond, letter of credit, or
21 cash deposit sufficient for each well specified in the application
22 that:

23 (i) complies with the requirements of
24 Chapter 91; and

25 (ii) is of an amount at least equal to the
26 cost calculation for plugging an inactive well for each well
27 specified in the application;

1 (F) documentation of the deposit with the
2 commission each time the operator files an application of an amount
3 of escrow funds as prescribed by commission rule that equal at least
4 10 percent of the total cost calculation for plugging an inactive
5 well for each well specified in the application; or

6 (G) if the operator is a publicly traded entity:

7 (i) the following documents:

8 (a) a copy of the operator's federal
9 documents filed to comply with Financial Accounting Standards Board
10 Statement No. 143, Accounting for Asset Retirement Obligations;
11 and

12 (b) an original, executed Uniform
13 Commercial Code Form 1 Financing Statement, filed with the
14 secretary of state, that:

15 (1) names the operator as the
16 "debtor" and the Railroad Commission of Texas as the "secured
17 creditor"; and

18 (2) specifies the funds covered
19 by the documents described by Sub-subparagraph (a) in the amount of
20 the cost calculation for plugging an inactive well for each well
21 specified in the application; or

22 (ii) a blanket bond in the amount of the
23 lesser of:

24 (a) the cost calculation for plugging
25 any inactive wells; or

26 (b) \$2 million.

27 SECTION 2.12. Section [1002.004\(j\)](#), Occupations Code, is

1 amended to read as follows:

2 (j) The board and the Texas Board of Professional Engineers
3 and Land Surveyors by rule, memorandum of understanding, or other
4 appropriate procedure or document shall jointly resolve any
5 conflict between this chapter or a rule adopted under this chapter
6 and Chapter 1001 or a rule adopted under that chapter.

7 SECTION 2.13. Sections 1051.607(b), (g), and (h),
8 Occupations Code, are amended to read as follows:

9 (b) An engineer may not engage or offer to engage in the
10 practice of architecture unless:

- 11 (1) the engineer is listed under Subsection (a); and
12 (2) the engineer is in good standing with the Texas
13 Board of Professional Engineers and Land Surveyors.

14 (g) The board and the Texas Board of Professional Engineers
15 and Land Surveyors shall pay equally the costs of a contested case.

16 (h) The Texas Board of Professional Engineers and Land
17 Surveyors has exclusive regulatory oversight over an engineer
18 listed under Subsection (a).

19 SECTION 2.14. Section 223.151, Transportation Code, is
20 amended to read as follows:

21 Sec. 223.151. APPLICABILITY. This subchapter:

22 (1) applies to services of a technical expert,
23 including an archeologist, biologist, geologist, or historian, to
24 conduct an environmental or cultural assessment required by state
25 or federal law for a transportation project under the authority or
26 jurisdiction of the department; and

27 (2) does not apply to services defined as engineering

1 by the Texas Board of Professional Engineers and Land Surveyors
2 under Chapter 1001, Occupations Code.

3 SECTION 2.15. Section 26.3573(u), Water Code, is amended to
4 read as follows:

5 (u) The petroleum storage tank remediation account may not
6 be used to pay for a site remediation that involves the installation
7 or construction of on-site equipment, structures, or systems used
8 in the extraction or management of wastes, except for soil
9 excavation and landfill disposal or well sampling and monitoring,
10 unless:

11 (1) the plans and specifications for the equipment,
12 structures, or systems are sealed by an engineer licensed by the
13 Texas Board of Professional Engineers and Land Surveyors; and

14 (2) the equipment, structures, or systems are
15 constructed under the supervision of an engineer licensed by the
16 Texas Board of Professional Engineers and Land Surveyors.

17 SECTION 2.16. Sections 26.364(b), (c), and (e), Water Code,
18 are amended to read as follows:

19 (b) The commission, on the request of an engineer licensed
20 by the Texas Board of Professional Engineers and Land Surveyors,
21 shall register the engineer in the program.

22 (c) An engineer registered in the program may contract to
23 perform corrective action under this subchapter unless the Texas
24 Board of Professional Engineers and Land Surveyors determines the
25 engineer is not qualified to perform a corrective action.

26 (e) The commission may not adopt minimum qualifications for
27 an engineer licensed by the Texas Board of Professional Engineers

1 and Land Surveyors to contract with an eligible owner or operator to
2 perform a corrective action under this subchapter.

3 SECTION 2.17. Sections 26.366(b), (c), and (e), Water Code,
4 are amended to read as follows:

5 (b) The commission, on the request of an engineer licensed
6 by the Texas Board of Professional Engineers and Land Surveyors,
7 shall license the engineer in the program.

8 (c) An engineer licensed in the program may supervise a
9 corrective action under this subchapter unless the Texas Board of
10 Professional Engineers and Land Surveyors determines the engineer
11 is not qualified to supervise a corrective action.

12 (e) The commission may not adopt minimum qualifications for
13 an engineer licensed by the Texas Board of Professional Engineers
14 and Land Surveyors to supervise a corrective action under this
15 subchapter.

16 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

17 SECTION 3.01. (a) The Texas Board of Professional Land
18 Surveying is abolished but continues in existence until September
19 1, 2020, for the sole purpose of transferring obligations,
20 property, rights, powers, and duties to the Texas Board of
21 Professional Engineers and Land Surveyors as created by this Act.
22 The Texas Board of Professional Engineers and Land Surveyors
23 assumes all of the obligations, property, rights, powers, and
24 duties of the Texas Board of Professional Land Surveying as they
25 exist immediately before the effective date of this Act. All
26 unexpended funds appropriated to the Texas Board of Professional
27 Land Surveying are transferred to the Texas Board of Professional

1 Engineers and Land Surveyors.

2 (b) The Texas Board of Professional Engineers and Land
3 Surveyors and the Texas Board of Professional Land Surveying shall,
4 in consultation with appropriate state entities, ensure that the
5 transfer of the obligations, property, rights, powers, and duties
6 of the Texas Board of Professional Land Surveying to the Texas Board
7 of Professional Engineers and Land Surveyors is completed not later
8 than September 1, 2020.

9 (c) All rules of the Texas Board of Professional Land
10 Surveying are continued in effect as rules of the Texas Board of
11 Professional Engineers and Land Surveyors until superseded by a
12 rule of the Texas Board of Professional Engineers and Land
13 Surveyors. A certificate, license, registration, or other
14 authorization issued by the Texas Board of Professional Land
15 Surveying is continued in effect as provided by the law in effect
16 immediately before the effective date of this Act. An application
17 for a certificate, license, registration, or other authorization
18 pending on the effective date of this Act is continued without
19 change in status after the effective date of this Act. A complaint,
20 investigation, contested case, or other proceeding pending on the
21 effective date of this Act is continued without change in status
22 after the effective date of this Act.

23 SECTION 3.02. The change in law made by this Act to Section
24 [1001.101](#), Occupations Code, does not affect the entitlement of a
25 member serving on the Texas Board of Professional Engineers
26 immediately before the effective date of this Act to continue to
27 serve for the remainder of the member's term. As the terms of board

1 members expire, the governor shall appoint or reappoint members to
2 the Texas Board of Professional Engineers and Land Surveyors who
3 have the qualifications required for members under Sections
4 1001.101 and 1001.102, Occupations Code, as amended by this Act.

5 SECTION 3.03. (a) Except as provided by Subsection (b) of
6 this section, Section 1001.112, Occupations Code, as amended by
7 this Act, applies to a member of the Texas Board of Professional
8 Engineers and Land Surveyors appointed before, on, or after the
9 effective date of this Act.

10 (b) A member of a board who, before the effective date of
11 this Act, completed the training program required by Section
12 1001.112, Occupations Code, as that section existed before the
13 effective date of this Act, is required to complete additional
14 training only on the subjects added by this Act to the training
15 program. A board member described by this subsection may not vote,
16 deliberate, or be counted as a member in attendance at a meeting of
17 the board held on or after September 1, 2020, until the member
18 completes the additional training.

19 SECTION 3.04. Section 1071.254(a), Occupations Code, as
20 amended by this Act, applies only to an application for
21 registration as a registered professional land surveyor that is
22 filed on or after the effective date of this Act. An application
23 for a registration that was filed before the effective date of this
24 Act is governed by the law in effect on the date the application was
25 filed, and the former law is continued in effect for that purpose.

26 SECTION 3.05. To the extent of any conflict, this Act
27 prevails over another Act of the 86th Legislature, Regular Session,

H.B. No. 1523

1 2019, relating to nonsubstantive additions to and corrections in
2 enacted codes.

3 SECTION 3.06. This Act takes effect September 1, 2019.