

By: Buckingham, et al.

S.B. No. 617

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 COMMITTEE. The board may appoint
16 an advisory committee to provide advice and recommendations to the
17 board on any matter relevant to the administration of this chapter
18 or Chapter 1071.

19 SECTION 1.26. Section 1001.251(a), Occupations Code, is
20 amended to read as follows:

21 (a) The board shall prepare information of consumer
22 interest describing:

23 (1) the regulatory functions of the board under this
24 chapter and Chapter 1071; and

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

27 SECTION 1.27. Sections 1001.252(a) and (d), Occupations

1 Code, are amended to read as follows:

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

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

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

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

14 Sec. 1001.271. DEFINITION. In this subchapter, "license"
15 means a license, certification, registration, or other
16 authorization that is issued by the board under this chapter or
17 Chapter 1071.

18 SECTION 1.29. Section 1001.3035, Occupations Code, is
19 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
20 added by this Act, and redesignated as Section 1001.272,
21 Occupations Code, to read as follows:

22 Sec. 1001.272 [~~1001.3035~~]. CRIMINAL HISTORY RECORD
23 INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) The board shall
24 require that an applicant for a license submit a complete and
25 legible set of fingerprints, on a form prescribed by the board, to
26 the board or to the Department of Public Safety for the purpose of
27 obtaining criminal history record information from the Department

1 of Public Safety and the Federal Bureau of Investigation.

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

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

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

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

10 (d) The board may:

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

14 (2) authorize the Department of Public Safety to
15 collect from each applicant the costs incurred by the Department of
16 Public Safety in conducting the criminal history check.

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

20 Sec. 1001.2721. EXAMINATION DEVELOPMENT AND
21 ADMINISTRATION. Notwithstanding any other law, the board may
22 adopt, recognize, develop, or contract for an examination required
23 by this chapter or Chapter 1071, including the administration of
24 the examination.

25 SECTION 1.31. Section 1001.306, Occupations Code, is
26 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
27 added by this Act, redesignated as Section 1001.273, Occupations

1 Code, and amended to read as follows:

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

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

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

11 (2) if notice of the examination results will be
12 delayed for longer than 90 days after the examination date, the
13 board shall notify the person of the reason for the delay before the
14 90th day.

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

17 (c) If requested in writing by a person who fails an [~~a~~
18 ~~licensing~~] examination administered under this chapter or Chapter
19 1071, the board shall furnish the person with an analysis of the
20 person's performance on the examination.

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

24 SECTION 1.32. Sections 1001.307 and 1001.352, Occupations
25 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
26 Code, as added by this Act, and redesignated as Sections 1001.274
27 and 1001.275, Occupations Code, respectively, to read as follows:

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

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

9 SECTION 1.33. Sections 1001.353 and 1001.3535, Occupations
10 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
11 Code, as added by this Act, redesignated as Sections 1001.276 and
12 1001.277, Occupations Code, respectively, and amended to read as
13 follows:

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

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

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

27 (d) A person whose license has been expired for two years or

1 more may not renew the license. The person may obtain a new license
2 by complying with the requirements and procedures, including the
3 examination requirements, for obtaining an original license.

4 Sec. 1001.277 [~~1001.3535~~]. CRIMINAL HISTORY RECORD
5 INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant
6 renewing a license [~~issued under this chapter~~] shall submit a
7 complete and legible set of fingerprints for purposes of performing
8 a criminal history check of the applicant as provided by Section
9 1001.272 [~~1001.3035~~].

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

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

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

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

18 SECTION 1.34. Section 1001.354, Occupations Code, is
19 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
20 added by this Act, and redesignated as Section 1001.278,
21 Occupations Code, to read as follows:

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

27 (b) The person must pay to the board a fee that is equal to

1 two times the normally required renewal fee for the license.

2 SECTION 1.35. Section [1001.355](#), Occupations Code, is
3 transferred to Subchapter F-1, Chapter [1001](#), Occupations Code, as
4 added by this Act, redesignated as Section 1001.279, Occupations
5 Code, and amended to read as follows:

6 Sec. [1001.279](#) [~~[1001.355](#)~~]. INACTIVE STATUS. (a) An
7 engineer or land surveyor may request inactive status at any time.
8 An engineer or land surveyor [~~A license holder~~] on inactive status
9 may not practice engineering or land surveying, as applicable.

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

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

15 (1) comply with the continuing education requirements
16 adopted by the board under Section [1001.210](#) or [1071.305](#), as
17 applicable; or

18 (2) take an examination for reinstatement to active
19 status.

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

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

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

26 (3) provide evidence satisfactory to the board that
27 the person has complied with the continuing education requirements

1 adopted by the board under Section 1001.210 or 1071.305, as
2 applicable.

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

5 SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS

6 SECTION 1.37. Section 1001.305, Occupations Code, is
7 amended to read as follows:

8 Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. The
9 board by rule may waive all or part of the examination requirement
10 for an applicant for the issuance or reissuance of a license under
11 this chapter. The board may not waive the requirement unless the
12 board first determines that:

13 (1) the applicant possesses sufficient qualifications
14 to justify the waiver; and

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

17 SECTION 1.38. Section 1001.311, Occupations Code, is
18 amended to read as follows:

19 Sec. 1001.311. APPLICATION BY NONRESIDENT. (a) A person
20 who holds a license or certificate of registration issued by
21 another state or a foreign country may apply under this chapter for
22 a license in this state.

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

1 SECTION 1.39. Section 1001.312, Occupations Code, is
2 amended to read as follows:

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

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

8 SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

9 SECTION 1.41. Section 1001.452, Occupations Code, is
10 amended to read as follows:

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

13 (1) a violation of this chapter or a board rule adopted
14 under this chapter;

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

16 (3) a documented instance of retaliation by an
17 applicant against an individual who has served as a reference for
18 that applicant;

19 (4) gross negligence, incompetency, or misconduct in
20 the practice of engineering; or

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

25 SECTION 1.42. Section 1001.501, Occupations Code, is
26 amended to read as follows:

27 Sec. 1001.501. IMPOSITION OF ADMINISTRATIVE PENALTY. The

1 board may impose an administrative penalty on a person who violates
2 this chapter or Chapter 1071 or a rule adopted or order issued under
3 this chapter or Chapter 1071.

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

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

8 (1) \$5,000 for each violation of this chapter or a rule
9 adopted or order issued under this chapter; and

10 (2) \$1,500 for each violation of Chapter 1071 or a rule
11 adopted or order issued under Chapter 1071.

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

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

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

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

24 (1) arbitrary or capricious;

25 (2) contrary to law; or

26 (3) conducted without due process of law.

27 SECTION 1.45. Section 1001.5511, Occupations Code, is

1 amended to read as follows:

2 Sec. 1001.5511. CEASE AND DESIST ORDER. If it appears to
3 the board that a person who is not licensed, certified, or
4 registered under this chapter or Chapter 1071 is violating this
5 chapter or Chapter 1071, a rule adopted under this chapter or
6 Chapter 1071, or another state statute or rule relating to the
7 practice of engineering or land surveying, the board, after notice
8 and opportunity for a hearing, may issue a cease and desist order
9 prohibiting the person from engaging in the activity.

10 SECTION 1.46. Section 1001.552(a), Occupations Code, is
11 amended to read as follows:

12 (a) A person commits an offense if the person:

13 (1) engages in the practice of engineering without
14 being licensed or exempted from the licensing requirement under
15 this chapter;

16 (2) violates this chapter with respect to the
17 regulation of engineering;

18 (3) presents or attempts to use as the person's own the
19 engineering license or seal of another; or

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

22 SECTION 1.47. Section 1001.553, Occupations Code, is
23 amended to read as follows:

24 Sec. 1001.553. REPORT OF VIOLATION. A public official
25 shall report a violation of this chapter or Chapter 1071 to the
26 proper authorities.

27 SECTION 1.48. Section 1001.554, Occupations Code, is

1 amended to read as follows:

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

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

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

- 12 (a) The attorney general shall:
- 13 (1) act as legal advisor of the board;
 - 14 (2) provide legal assistance to the board as necessary
15 to enforce this chapter or Chapter 1071 and make those laws [~~it~~]
16 effective; and
 - 17 (3) represent the board in an action brought to
18 enforce this chapter or Chapter 1071.

19 SECTION 1.50. Section 1001.556, Occupations Code, is
20 amended to read as follows:

21 Sec. 1001.556. APPEAL BOND. The board is not required to
22 give an appeal bond in a cause arising under this chapter or Chapter
23 1071.

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

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

1 SECTION 1.52. The heading to Section 1071.301, Occupations
2 Code, is amended to read as follows:

3 Sec. 1071.301. LICENSE TERM AND ~~[ANNUAL]~~ RENEWAL
4 ~~[REQUIRED]~~.

5 SECTION 1.53. Section 1071.301, Occupations Code, is
6 amended by amending Subsection (a) and adding Subsections (a-1) and
7 (a-2) to read as follows:

8 (a) The board by rule shall provide:

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

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

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

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

23 SECTION 1.54. Section 1071.352(a-2), Occupations Code, is
24 amended to read as follows:

25 (a-2) The board may refuse to issue or renew and may suspend
26 or revoke the registration of a business entity and may impose an
27 administrative penalty under Subchapter K, Chapter 1001, against

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

4 SECTION 1.55. Section [1071.401\(a\)](#), Occupations Code, is
5 amended to read as follows:

6 (a) The board shall revoke, suspend, or refuse to renew a
7 certificate of registration or license, place on probation a person
8 whose certificate or license has been suspended, or reprimand a
9 registration holder or license holder for:

10 (1) fraud or deceit in obtaining a certificate or
11 license under this chapter;

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

14 (3) a violation of this chapter or a board rule adopted
15 under this chapter.

16 SECTION 1.56. Sections [1071.4035\(a\)](#) and (b), Occupations
17 Code, are amended to read as follows:

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

21 (b) Subject to Subsection (c), the board may order a person
22 licensed or registered under this chapter to pay restitution to a
23 consumer as provided in an agreement resulting from an informal
24 settlement conference instead of or in addition to assessing an
25 administrative penalty under Subchapter K, Chapter [1001](#) [~~this~~
26 ~~chapter~~].

27 SECTION 1.57. The following provisions of the Occupations

1 Code are repealed:

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

19 ARTICLE 2. CONFORMING AMENDMENTS

20 SECTION 2.01. Section 150.003(a), Civil Practice and
21 Remedies Code, is amended to read as follows:

22 (a) This section applies only to a licensed or registered
23 professional who provides architectural or engineering services if
24 the services:

25 (1) are authorized, as appropriate for the
26 professional, in:

- 27 (A) Chapter 1001, Occupations Code;

1 (B) Chapter 1051, Occupations Code;

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

5 (D) 22 T.A.C. Part 1 (Texas Board of
6 Architectural Examiners), Chapter 1 (Architects), Subchapter H
7 (Professional Conduct);

8 (2) subject to Subsection (d), are provided
9 voluntarily and without compensation or the expectation of
10 compensation;

11 (3) are in response to and provided during the
12 duration of a proclaimed state of emergency under Section 433.001,
13 Government Code, or a declared state of disaster under Section
14 418.014, Government Code;

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

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

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

24 (d) The following state agencies are subject to this
25 section:

26 (1) Texas Appraiser Licensing and Certification
27 Board;

- 1 (2) Texas Board of Architectural Examiners;
- 2 (3) Texas Board of Chiropractic Examiners;
- 3 (4) State Board of Dental Examiners;
- 4 (5) Texas Board of Professional Engineers and Land
- 5 Surveyors;
- 6 (6) Texas Funeral Service Commission;
- 7 (7) Texas Board of Professional Geoscientists;
- 8 (8) [~~Department of State~~] Health and Human Services
- 9 Commission, except as provided by Section 411.110, and agencies
- 10 attached to the commission [~~department~~], including:
- 11 (A) Texas State Board of Examiners of Marriage
- 12 and Family Therapists;
- 13 (B) Texas State Board of Examiners of
- 14 Professional Counselors; and
- 15 (C) Texas State Board of Social Worker Examiners;
- 16 (9) [~~Texas Board of Professional Land Surveying,~~
- 17 [~~10~~] Texas Department of Licensing and Regulation,
- 18 except as provided by Section 411.093;
- 19 (10) [~~11~~] Texas Commission on Environmental
- 20 Quality;
- 21 (11) [~~12~~] Texas Board of Occupational Therapy
- 22 Examiners;
- 23 (12) [~~13~~] Texas Optometry Board;
- 24 (13) [~~14~~] Texas State Board of Pharmacy;
- 25 (14) [~~15~~] Texas Board of Physical Therapy
- 26 Examiners;
- 27 (15) [~~16~~] Texas State Board of Plumbing Examiners;

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

16 SECTION 2.03. Section [469.104](#), Government Code, is amended
17 to read as follows:

18 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.
19 The commission shall report to the Texas Board of Architectural
20 Examiners, the Texas Board of Professional Engineers and Land
21 Surveyors, or another appropriate licensing authority the failure
22 of any architect, interior designer, landscape architect, or
23 engineer to submit or resubmit in a timely manner plans and
24 specifications to the department as required by this subchapter.

25 SECTION 2.04. Section [472.001](#), Government Code, is amended
26 to read as follows:

27 Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter

1 applies to:

- 2 (1) the Texas State Board of Public Accountancy;
- 3 (2) the Texas Board of Professional Engineers and Land
4 Surveyors; and
- 5 (3) the Texas Board of Architectural Examiners.

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

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

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

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

- 18 (1) Texas Board of Chiropractic Examiners;
- 19 (2) Judicial Branch Certification Commission;
- 20 (3) State Board of Dental Examiners;
- 21 (4) Texas Funeral Service Commission;
- 22 (5) [~~Texas Board of Professional Land Surveying,~~
23 [~~6~~] Texas Medical Board;
- 24 (6) [~~7~~] Texas Board of Nursing;
- 25 (7) [~~8~~] Texas Optometry Board;
- 26 (8) [~~9~~] Department of Agriculture, for licenses
27 issued under Chapter 1951, Occupations Code;

- 1 (9) [~~(10)~~] Texas State Board of Pharmacy;
- 2 (10) [~~(11)~~] Executive Council of Physical Therapy and
3 Occupational Therapy Examiners;
- 4 (11) [~~(12)~~] Texas State Board of Plumbing Examiners;
- 5 (12) [~~(13)~~] ~~Texas State Board of Podiatric Medical~~
6 ~~Examiners;~~
- 7 [~~(14)~~] Texas State Board of Examiners of
8 Psychologists;
- 9 (13) [~~(15)~~] State Board of Veterinary Medical
10 Examiners;
- 11 (14) [~~(16)~~] Texas Real Estate Commission;
- 12 (15) [~~(17)~~] Texas Appraiser Licensing and
13 Certification Board;
- 14 (16) [~~(18)~~] Texas Department of Licensing and
15 Regulation;
- 16 (17) [~~(19)~~] Texas State Board of Public Accountancy;
- 17 (18) [~~(20)~~] State Board for Educator Certification;
- 18 (19) [~~(21)~~] Texas Board of Professional Engineers and
19 Land Surveyors;
- 20 (20) [~~(22)~~] ~~Department of State~~ Health and Human
21 Services Commission;
- 22 (21) [~~(23)~~] Texas Board of Architectural Examiners;
- 23 (22) [~~(24)~~] Texas Racing Commission;
- 24 (23) [~~(25)~~] Texas Commission on Law Enforcement; and
- 25 (24) [~~(26)~~] Texas Private Security Board.

26 SECTION 2.07. Section [2166.202\(b\)](#), Government Code, is
27 amended to read as follows:

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

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

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

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

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

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

22 (c) A person may apply to the association on a form
23 prescribed by the department for a certificate of compliance for a
24 completed improvement. The association shall issue a certificate
25 of compliance for a completed improvement if a professional
26 engineer licensed by the Texas Board of Professional Engineers and
27 Land Surveyors:

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

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

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

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

19 (2) complies with the applicable building code under
20 the plan of operation.

21 SECTION 2.11. Section [89.023](#)(a), Natural Resources Code, is
22 amended to read as follows:

23 (a) The commission may grant an extension of the deadline
24 for plugging an inactive well if the operator maintains a current
25 organization report with the commission as required by Section
26 [91.142](#) and if, on or before the date of renewal of the operator's
27 organization report as required by that section, the operator files

1 with the commission an application for an extension that includes:

2 (1) an affirmation that complies with Section 89.029;

3 (2) a statement that the operator has, and on request
4 will provide, evidence of a good faith claim to a continuing right
5 to operate the well; and

6 (3) at least one of the following:

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

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

15 (i) is in the form of a certification signed
16 by a person licensed by the Texas Board of Professional Engineers
17 and Land Surveyors as an engineer or by the Texas Board of
18 Professional Geoscientists;

19 (ii) includes:

20 (a) an affirmation by the licensed
21 person that the well has:

22 (1) a reasonable expectation of
23 economic value in excess of the cost of plugging the well for the
24 duration of the period covered by the report, based on the cost
25 calculation for plugging an inactive well; and

26 (2) a reasonable expectation of
27 being restored to a beneficial use that will prevent waste of oil or

1 gas resources that otherwise would not be produced if the well were
2 plugged; and

3 (b) appropriate documentation
4 demonstrating the basis for the affirmation of the well's future
5 utility; and

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

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

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

16 (E) a supplemental bond, letter of credit, or
17 cash deposit sufficient for each well specified in the application
18 that:

19 (i) complies with the requirements of
20 Chapter 91; and

21 (ii) is of an amount at least equal to the
22 cost calculation for plugging an inactive well for each well
23 specified in the application;

24 (F) documentation of the deposit with the
25 commission each time the operator files an application of an amount
26 of escrow funds as prescribed by commission rule that equal at least
27 10 percent of the total cost calculation for plugging an inactive

1 well for each well specified in the application; or

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

3 (i) the following documents:

4 (a) a copy of the operator's federal
5 documents filed to comply with Financial Accounting Standards Board
6 Statement No. 143, Accounting for Asset Retirement Obligations;
7 and

8 (b) an original, executed Uniform
9 Commercial Code Form 1 Financing Statement, filed with the
10 secretary of state, that:

11 (1) names the operator as the
12 "debtor" and the Railroad Commission of Texas as the "secured
13 creditor"; and

14 (2) specifies the funds covered
15 by the documents described by Sub-subparagraph (a) in the amount of
16 the cost calculation for plugging an inactive well for each well
17 specified in the application; or

18 (ii) a blanket bond in the amount of the
19 lesser of:

20 (a) the cost calculation for plugging
21 any inactive wells; or

22 (b) \$2 million.

23 SECTION 2.12. Section 1002.004(j), Occupations Code, is
24 amended to read as follows:

25 (j) The board and the Texas Board of Professional Engineers
26 and Land Surveyors by rule, memorandum of understanding, or other
27 appropriate procedure or document shall jointly resolve any

1 conflict between this chapter or a rule adopted under this chapter
2 and Chapter 1001 or a rule adopted under that chapter.

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

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

7 (1) the engineer is listed under Subsection (a); and

8 (2) the engineer is in good standing with the Texas
9 Board of Professional Engineers and Land Surveyors.

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

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

15 SECTION 2.14. Section 223.151, Transportation Code, is
16 amended to read as follows:

17 Sec. 223.151. APPLICABILITY. This subchapter:

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

23 (2) does not apply to services defined as engineering
24 by the Texas Board of Professional Engineers and Land Surveyors
25 under Chapter 1001, Occupations Code.

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

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

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

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

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

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

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

22 (e) The commission may not adopt minimum qualifications for
23 an engineer licensed by the Texas Board of Professional Engineers
24 and Land Surveyors to contract with an eligible owner or operator to
25 perform a corrective action under this subchapter.

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

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

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

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

12 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

13 SECTION 3.01. (a) The Texas Board of Professional Land
14 Surveying is abolished but continues in existence until September
15 1, 2020, for the sole purpose of transferring obligations,
16 property, rights, powers, and duties to the Texas Board of
17 Professional Engineers and Land Surveyors as created by this Act.
18 The Texas Board of Professional Engineers and Land Surveyors
19 assumes all of the obligations, property, rights, powers, and
20 duties of the Texas Board of Professional Land Surveying as they
21 exist immediately before the effective date of this Act. All
22 unexpended funds appropriated to the Texas Board of Professional
23 Land Surveying are transferred to the Texas Board of Professional
24 Engineers and Land Surveyors.

25 (b) The Texas Board of Professional Engineers and Land
26 Surveyors and the Texas Board of Professional Land Surveying shall,
27 in consultation with appropriate state entities, ensure that the

1 transfer of the obligations, property, rights, powers, and duties
2 of the Texas Board of Professional Land Surveying to the Texas Board
3 of Professional Engineers and Land Surveyors is completed not later
4 than September 1, 2020.

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

19 SECTION 3.02. The change in law made by this Act to Section
20 [1001.101](#), Occupations Code, does not affect the entitlement of a
21 member serving on the Texas Board of Professional Engineers
22 immediately before the effective date of this Act to continue to
23 serve for the remainder of the member's term. As the terms of board
24 members expire, the governor shall appoint or reappoint members to
25 the Texas Board of Professional Engineers and Land Surveyors who
26 have the qualifications required for members under Sections
27 [1001.101](#) and [1001.102](#), Occupations Code, as amended by this Act.

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

6 (b) A member of a board who, before the effective date of
7 this Act, completed the training program required by Section
8 1001.112, Occupations Code, as that section existed before the
9 effective date of this Act, is required to complete additional
10 training only on the subjects added by this Act to the training
11 program. A board member described by this subsection may not vote,
12 deliberate, or be counted as a member in attendance at a meeting of
13 the board held on or after September 1, 2020, until the member
14 completes the additional training.

15 SECTION 3.04. To the extent of any conflict, this Act
16 prevails over another Act of the 86th Legislature, Regular Session,
17 2019, relating to nonsubstantive additions to and corrections in
18 enacted codes.

19 SECTION 3.05. This Act takes effect September 1, 2019.