

1-1 By: Nevárez (Senate Sponsor - Buckingham) H.B. No. 1523
 1-2 (In the Senate - Received from the House April 11, 2019;
 1-3 April 15, 2019, read first time and referred to Committee on
 1-4 Business & Commerce; May 17, 2019, reported adversely, with
 1-5 favorable Committee Substitute by the following vote: Yeas 7,
 1-6 Nays 0; May 17, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16			X	
1-17	X			

1-18 COMMITTEE SUBSTITUTE FOR H.B. No. 1523 By: Nichols

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the continuation of the regulation of land surveyors
 1-22 and the transfer of the regulation to the Texas Board of
 1-23 Professional Engineers and Land Surveyors, following the
 1-24 recommendations of the Sunset Advisory Commission; changing fees.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 ARTICLE 1. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
 1-27 SURVEYORS

1-28 SECTION 1.01. The heading to Chapter 1001, Occupations
 1-29 Code, is amended to read as follows:

1-30 CHAPTER 1001. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
 1-31 SURVEYORS

1-32 SECTION 1.02. Section 1001.002, Occupations Code, is
 1-33 amended by amending Subdivision (1) and adding Subdivision (3) to
 1-34 read as follows:

1-35 (1) "Board" means the Texas Board of Professional
 1-36 Engineers and Land Surveyors.

1-37 (3) "Land surveyor," "licensed state land surveyor,"
 1-38 "professional surveying," "registered professional land surveyor,"
 1-39 and "state land surveying" have the meanings assigned by Section
 1-40 1071.002.

1-41 SECTION 1.03. Section 1001.004(e), Occupations Code, is
 1-42 amended to read as follows:

1-43 (e) This chapter does not:

1-44 (1) prevent a person from identifying the person in
 1-45 the name and trade of any engineers' labor organization with which
 1-46 the person is affiliated;

1-47 (2) prohibit or otherwise restrict a person from
 1-48 giving testimony or preparing an exhibit or document for the sole
 1-49 purpose of being placed in evidence before an administrative or
 1-50 judicial tribunal, subject to the board's disciplinary powers under
 1-51 Subchapter J regarding negligence, incompetency, or misconduct in
 1-52 the practice of engineering; or

1-53 (3) ~~repeal or amend a law affecting or regulating a~~
 1-54 ~~licensed state land surveyor; or~~

1-55 ~~[(4)]~~ affect or prevent the practice of any other
 1-56 legally recognized profession by a member of the profession who is
 1-57 licensed by the state or under the state's authority.

1-58 SECTION 1.04. Section 1001.005, Occupations Code, is
 1-59 amended to read as follows:

1-60 Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board

2-1 of Professional Engineers and Land Surveyors is subject to Chapter
2-2 325, Government Code (Texas Sunset Act). Unless continued in
2-3 existence as provided by that chapter, the board is abolished and
2-4 this chapter expires September 1, 2025.

2-5 SECTION 1.05. Section 1001.064, Occupations Code, is
2-6 amended to read as follows:

2-7 Sec. 1001.064. STATE LAND SURVEYORS. A licensed state land
2-8 surveyor is exempt from the requirements of this chapter regulating
2-9 the practice of engineering in performing the [a] state land
2-10 surveyor's duties.

2-11 SECTION 1.06. The heading to Subchapter C, Chapter 1001,
2-12 Occupations Code, is amended to read as follows:

2-13 SUBCHAPTER C. TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND
2-14 SURVEYORS

2-15 SECTION 1.07. Section 1001.101(a), Occupations Code, is
2-16 amended to read as follows:

2-17 (a) The Texas Board of Professional Engineers and Land
2-18 Surveyors consists of nine members appointed by the governor with
2-19 the advice and consent of the senate as follows:

2-20 (1) five [~~six~~] engineers; [~~and~~]

2-21 (2) one land surveyor; and

2-22 (3) three members who represent the public.

2-23 SECTION 1.08. Subchapter C, Chapter 1001, Occupations Code,
2-24 is amended by adding Section 1001.1011 to read as follows:

2-25 Sec. 1001.1011. EX OFFICIO MEMBER. The commissioner of the
2-26 General Land Office or a licensed state land surveyor employee of
2-27 the General Land Office designated by the commissioner as director
2-28 of surveying shall serve as an ex officio, nonvoting member of the
2-29 board.

2-30 SECTION 1.09. Section 1001.102, Occupations Code, is
2-31 amended by amending Subsection (a) and adding Subsection (d) to
2-32 read as follows:

2-33 (a) A person may not be a public member of the board if the
2-34 person or the person's spouse:

2-35 (1) is registered, certified, or licensed by a
2-36 regulatory agency in the field of engineering or land surveying;

2-37 (2) is employed by or participates in the management
2-38 of a business entity or other organization regulated by or
2-39 receiving money from the board;

2-40 (3) owns or controls, directly or indirectly, more
2-41 than a 10 percent interest in a business entity or other
2-42 organization regulated by or receiving money from the board; or

2-43 (4) uses or receives a substantial amount of tangible
2-44 goods, services, or money from the board other than compensation or
2-45 reimbursement authorized by law for board membership, attendance,
2-46 or expenses.

2-47 (d) A land surveyor member of the board:

2-48 (1) must be:

2-49 (A) a licensed state land surveyor actively
2-50 engaged in the practice of state land surveying for not less than
2-51 the five years preceding appointment; or

2-52 (B) a registered professional land surveyor
2-53 actively engaged in the practice of professional surveying in this
2-54 state for not less than the five years preceding appointment; and

2-55 (2) may not be licensed as an engineer.

2-56 SECTION 1.10. Section 1001.103(a-1), Occupations Code, is
2-57 amended to read as follows:

2-58 (a-1) A person may not be a member of the board and may not
2-59 be a board employee employed in a "bona fide executive,
2-60 administrative, or professional capacity," as that phrase is used
2-61 for purposes of establishing an exemption to the overtime
2-62 provisions of the federal Fair Labor Standards Act of 1938 (29
2-63 U.S.C. Section 201 et seq.), and its subsequent amendments, if:

2-64 (1) the person is an officer, employee, or paid
2-65 consultant of a Texas trade association in the field of engineering
2-66 or land surveying; or

2-67 (2) the person's spouse is an officer, manager, or paid
2-68 consultant of a Texas trade association in the field of engineering
2-69 or land surveying.

3-1 SECTION 1.11. Section 1001.105, Occupations Code, is
3-2 amended to read as follows:

3-3 Sec. 1001.105. PARTICIPATION OF PUBLIC MEMBERS. (a) The
3-4 board by majority vote may limit the participation of public
3-5 members in evaluating license, registration, or certification
3-6 applications.

3-7 (b) This section does not apply to the evaluation of
3-8 license, registration, or certification applications at an
3-9 official meeting of the board.

3-10 SECTION 1.12. Section 1001.107, Occupations Code, is
3-11 amended to read as follows:

3-12 Sec. 1001.107. PER DIEM. Each [A] board member, other than
3-13 the commissioner of the General Land Office, is entitled to receive
3-14 a per diem as set by the General Appropriations Act for each day
3-15 that the member engages in the business of the board.

3-16 SECTION 1.13. Section 1001.112(b), Occupations Code, is
3-17 amended to read as follows:

3-18 (b) The training program must provide the person with
3-19 information regarding:

- 3-20 (1) this chapter and Chapter 1071;
- 3-21 (2) the programs operated by the board;
- 3-22 (3) the role and functions of the board;
- 3-23 (4) the rules of the board, with an emphasis on the
3-24 rules that relate to disciplinary and investigatory authority;
- 3-25 (5) the current budget for the board;
- 3-26 (6) the results of the most recent formal audit of the
3-27 board;

3-28 (7) the requirements of:

- 3-29 (A) the open meetings law, Chapter 551,
3-30 Government Code;
- 3-31 (B) the public information law, Chapter 552,
3-32 Government Code;
- 3-33 (C) the administrative procedure law, Chapter
3-34 2001, Government Code; and
- 3-35 (D) other laws relating to public officials,
3-36 including conflict-of-interest laws; and
- 3-37 (8) any applicable ethics policies adopted by the
3-38 board or the Texas Ethics Commission.

3-39 SECTION 1.14. Section 1001.201, Occupations Code, is
3-40 amended to read as follows:

3-41 Sec. 1001.201. GENERAL POWERS AND DUTIES. (a) The board
3-42 shall administer and enforce this chapter and Chapter 1071.

3-43 (b) The board may spend money for any purpose the board
3-44 considers reasonably necessary for the proper performance of its
3-45 duties under this chapter and Chapter 1071.

3-46 SECTION 1.15. Section 1001.202, Occupations Code, is
3-47 amended to read as follows:

3-48 Sec. 1001.202. RULES. The board may adopt and enforce any
3-49 rule or bylaw necessary to perform its duties, govern its
3-50 proceedings, and regulate the practice of engineering and land
3-51 surveying.

3-52 SECTION 1.16. Sections 1001.203(b) and (c), Occupations
3-53 Code, are amended to read as follows:

3-54 (b) Except as provided by Subsection (a), the board may not
3-55 adopt rules restricting advertising or competitive bidding by a
3-56 person regulated by the board [~~license holder~~] except to prohibit
3-57 false, misleading, or deceptive practices.

3-58 (c) In its rules to prohibit false, misleading, or deceptive
3-59 practices by a person regulated by the board, the board may not
3-60 include a rule that:

- 3-61 (1) restricts the use of any medium for advertising;
- 3-62 (2) restricts the use of the person's [~~a license~~
3-63 ~~holder's~~] personal appearance or voice in an advertisement;
- 3-64 (3) relates to the size or duration of an
3-65 advertisement by the person [~~license holder~~]; or
- 3-66 (4) restricts the person's [~~license holder's~~]
3-67 advertisement under a trade name.

3-68 SECTION 1.17. Section 1001.204, Occupations Code, is
3-69 amended to read as follows:

4-1 Sec. 1001.204. FEES. (a) The board shall establish ~~[the~~
4-2 ~~following]~~ fees in amounts reasonable and necessary to cover the
4-3 costs of administering this chapter and Chapter 1071, including:

- 4-4 (1) license, registration, and certification fees
- 4-5 [fee];
- 4-6 (2) renewal fee [annual] and late renewal fee [fees];
- 4-7 (3) reciprocal license fee;
- 4-8 (4) duplicate license fee;
- 4-9 (5) ~~[engineer-in-training certificate fee;~~
- 4-10 ~~[(6)]~~ roster ~~[of engineers]~~ fee;
- 4-11 (6) ~~[(7)]~~ examination fee;
- 4-12 ~~[(8)]~~ ~~registration fee for engineering firm;~~ and
- 4-13 (7) ~~[(9)]~~ inactive status fee.

4-14 (b) Fee revenue may not exceed the amount reasonable and
4-15 necessary to administer this chapter and Chapter 1071.

4-16 (c) General revenue of the state may not be used to pay the
4-17 costs of administering this chapter and Chapter 1071 in an amount
4-18 that exceeds the amount of fees received under this chapter and
4-19 Chapter 1071.

4-20 SECTION 1.18. Section 1001.205, Occupations Code, is
4-21 amended to read as follows:

4-22 Sec. 1001.205. REDUCED FEES: ELDERLY, DISABLED, INACTIVE
4-23 STATUS. (a) For purposes of this section, a person is disabled if
4-24 the person has a mental or physical impairment that substantially
4-25 limits the ability of the person to earn a living as an engineer or
4-26 land surveyor, other than an impairment caused by a current
4-27 addiction to the use of alcohol or an illegal drug or controlled
4-28 substance.

4-29 (b) The board by rule may adopt reduced license fees and
4-30 ~~[annual]~~ renewal fees for engineers and land surveyors who are:

- 4-31 (1) at least 65 years of age; or
- 4-32 (2) disabled and not actively engaged in the practice
4-33 of engineering or land surveying.

4-34 (c) A person entitled to reduced fees under Subsection
4-35 (b)(2) shall notify the board that the person has resumed the active
4-36 practice of engineering or land surveying not later than the 15th
4-37 day after the date the person resumes active practice.

4-38 SECTION 1.19. Section 1001.207, Occupations Code, is
4-39 amended to read as follows:

4-40 Sec. 1001.207. STANDARDS OF CONDUCT AND ETHICS. The board
4-41 may establish standards of conduct and ethics for engineers and
4-42 land surveyors in keeping with the purposes and intent of this
4-43 chapter and Chapter 1071 and to ensure strict compliance with and
4-44 enforcement of this chapter and Chapter 1071.

4-45 SECTION 1.20. The heading to Section 1001.208, Occupations
4-46 Code, is amended to read as follows:

4-47 Sec. 1001.208. ROSTER OF ENGINEERS AND LAND SURVEYORS.

4-48 SECTION 1.21. Section 1001.209, Occupations Code, is
4-49 amended to read as follows:

4-50 Sec. 1001.209. REGISTER OF APPLICANTS. The board shall
4-51 maintain a register of each application for a license or
4-52 registration under this chapter or Chapter 1071 ~~[applications]~~ that
4-53 shows:

- 4-54 (1) the name, age, and residence of each applicant;
- 4-55 (2) the date of the application;
- 4-56 (3) the applicant's place of business;
- 4-57 (4) the applicant's educational and other
4-58 qualifications;
- 4-59 (5) whether an examination was required;
- 4-60 (6) whether the applicant was issued or denied a
4-61 license or registration;
- 4-62 (7) the date of board action; and
- 4-63 (8) any other information the board considers
4-64 necessary.

4-65 SECTION 1.22. Section 1001.210, Occupations Code, is
4-66 amended to read as follows:

4-67 Sec. 1001.210. CONTINUING EDUCATION PROGRAMS FOR
4-68 ENGINEERS. (a) The board shall recognize, prepare, or administer
4-69 continuing education programs for engineers ~~[its license holders]~~.

5-1 An engineer [~~A license holder~~] must participate in the programs to
5-2 the extent required by the board to keep the engineer's [~~person's~~]
5-3 license.

5-4 (b) The board may not require an engineer [~~a license holder~~]
5-5 to obtain more than 15 hours of continuing education annually. The
5-6 board shall permit an engineer [~~a license holder~~] to certify at the
5-7 time the license is renewed that the engineer [~~license holder~~] has
5-8 complied with the board's continuing education requirements.

5-9 (c) The board shall permit an engineer [~~a license holder~~] to
5-10 receive continuing education credit for educational, technical,
5-11 ethical, or professional management activities related to the
5-12 practice of engineering, including:

5-13 (1) successfully completing or auditing a course
5-14 sponsored by an institution of higher education;

5-15 (2) successfully completing a course certified by a
5-16 professional or trade organization;

5-17 (3) attending a seminar, tutorial, short course,
5-18 correspondence course, videotaped course, or televised course;

5-19 (4) participating in an in-house course sponsored by a
5-20 corporation or other business entity;

5-21 (5) teaching a course described by Subdivisions
5-22 (1)-(4);

5-23 (6) publishing an article, paper, or book on the
5-24 practice of engineering;

5-25 (7) making or attending a presentation at a meeting of
5-26 a technical or engineering management society or organization or
5-27 writing a paper presented at such a meeting;

5-28 (8) participating in the activities of a professional
5-29 society or association, including serving on a committee of the
5-30 organization; and

5-31 (9) engaging in self-directed study.

5-32 (d) An engineer [~~A license holder~~] may not receive more than
5-33 five continuing education credit hours annually for engaging in
5-34 self-directed study.

5-35 SECTION 1.23. Section 1001.212, Occupations Code, is
5-36 amended to read as follows:

5-37 Sec. 1001.212. CONFIDENTIALITY OF CERTAIN INFORMATION
5-38 RELATED TO [~~LICENSE~~] APPLICATION. (a) A statement made by a person
5-39 providing a reference for an applicant and other pertinent
5-40 information compiled by or submitted to the board relating to an
5-41 applicant for licensing, registration, or certification [~~a~~
5-42 ~~license~~] under this chapter or Chapter 1071 is privileged and
5-43 confidential.

5-44 (b) Information described by Subsection (a) may be used only
5-45 by the board or its employees or agents who are directly involved in
5-46 the application or licensing, registration, or certification
5-47 process. The information is not subject to discovery, subpoena, or
5-48 other disclosure.

5-49 SECTION 1.24. Section 1001.213(a), Occupations Code, is
5-50 amended to read as follows:

5-51 (a) The board may request and, if necessary, compel by
5-52 subpoena:

5-53 (1) the attendance of a witness for examination under
5-54 oath; and

5-55 (2) the production for inspection or copying of
5-56 records, documents, and other evidence relevant to the
5-57 investigation of an alleged violation of this chapter or Chapter
5-58 1071.

5-59 SECTION 1.25. Subchapter E, Chapter 1001, Occupations Code,
5-60 is amended by adding Section 1001.216 to read as follows:

5-61 Sec. 1001.216. ADVISORY COMMITTEE. The board may appoint
5-62 an advisory committee to provide advice and recommendations to the
5-63 board on any matter relevant to the administration of this chapter
5-64 or Chapter 1071.

5-65 SECTION 1.26. Section 1001.251(a), Occupations Code, is
5-66 amended to read as follows:

5-67 (a) The board shall prepare information of consumer
5-68 interest describing:

5-69 (1) the regulatory functions of the board under this

6-1 chapter and Chapter 1071; and

6-2 (2) the procedures by which consumer complaints are
6-3 filed with and resolved by the board.

6-4 SECTION 1.27. Sections 1001.252(a) and (d), Occupations
6-5 Code, are amended to read as follows:

6-6 (a) The board shall adopt rules that permit the board to
6-7 receive and investigate a confidential complaint against a [~~license~~
6-8 ~~holder or other~~] person who may have violated this chapter or
6-9 Chapter 1071. The board shall maintain the confidentiality of the
6-10 complaint during the investigation.

6-11 (d) The board shall consider any written grievance against a
6-12 [~~license holder or other~~] person filed with the board as a
6-13 complaint.

6-14 SECTION 1.28. Chapter 1001, Occupations Code, is amended by
6-15 adding Subchapter F-1 to read as follows:

6-16 SUBCHAPTER F-1. GENERAL LICENSE, REGISTRATION, AND CERTIFICATION
6-17 REQUIREMENT

6-18 Sec. 1001.271. DEFINITION. In this subchapter, "license"
6-19 means a license, certification, registration, or other
6-20 authorization that is issued by the board under this chapter or
6-21 Chapter 1071.

6-22 SECTION 1.29. Section 1001.3035, Occupations Code, is
6-23 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
6-24 added by this Act, redesignated as Section 1001.272, Occupations
6-25 Code, and amended to read as follows:

6-26 Sec. 1001.272 [~~1001.3035~~]. CRIMINAL HISTORY RECORD
6-27 INFORMATION REQUIREMENT FOR LICENSE ISSUANCE. (a) This section
6-28 applies only to an applicant for a license or registration as an
6-29 engineer, licensed state land surveyor, or registered professional
6-30 land surveyor.

6-31 (b) The board shall require that an applicant for a license
6-32 submit a complete and legible set of fingerprints, on a form
6-33 prescribed by the board, to the board or to the Department of Public
6-34 Safety for the purpose of obtaining criminal history record
6-35 information from the Department of Public Safety and the Federal
6-36 Bureau of Investigation.

6-37 (c) [~~(b)~~] The board may not issue a license to a person who
6-38 does not comply with the requirement of Subsection (b) [~~(a)~~].

6-39 (d) [~~(c)~~] The board shall conduct a criminal history check
6-40 of each applicant for a license using information:

6-41 (1) provided by the individual under this section; and
6-42 (2) made available to the board by the Department of
6-43 Public Safety, the Federal Bureau of Investigation, and any other
6-44 criminal justice agency under Chapter 411, Government Code.

6-45 (e) [~~(d)~~] The board may:

6-46 (1) enter into an agreement with the Department of
6-47 Public Safety to administer a criminal history check required under
6-48 this section; and

6-49 (2) authorize the Department of Public Safety to
6-50 collect from each applicant the costs incurred by the Department of
6-51 Public Safety in conducting the criminal history check.

6-52 SECTION 1.30. Subchapter F-1, Chapter 1001, Occupations
6-53 Code, as added by this Act, is amended by adding Section 1001.2721
6-54 to read as follows:

6-55 Sec. 1001.2721. EXAMINATION DEVELOPMENT AND
6-56 ADMINISTRATION. Notwithstanding any other law, the board may
6-57 adopt, recognize, develop, or contract for an examination required
6-58 by this chapter or Chapter 1071, including the administration of
6-59 the examination.

6-60 SECTION 1.31. Section 1001.306, Occupations Code, is
6-61 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
6-62 added by this Act, redesignated as Section 1001.273, Occupations
6-63 Code, and amended to read as follows:

6-64 Sec. 1001.273 [~~1001.306~~]. EXAMINATION RESULTS. (a) Not
6-65 later than the 30th day after the date a person takes an [a
6-66 licensing] examination under this chapter or Chapter 1071, the
6-67 board shall notify the person of the results of the examination.

6-68 (a-1) If the examination is graded or reviewed by a testing
6-69 service:

7-1 (1) the board shall notify the person of the results of
 7-2 the examination not later than the 14th day after the date the board
 7-3 receives the results from the testing service; and

7-4 (2) if notice of the examination results will be
 7-5 delayed for longer than 90 days after the examination date, the
 7-6 board shall notify the person of the reason for the delay before the
 7-7 90th day.

7-8 (b) The board may require a testing service to notify a
 7-9 person of the results of the person's examination.

7-10 (c) If requested in writing by a person who fails an ~~an~~ [~~a~~
 7-11 ~~licensing~~] examination administered under this chapter or Chapter
 7-12 1071, the board shall furnish the person with an analysis of the
 7-13 person's performance on the examination.

7-14 (d) Examination results reported under this section must
 7-15 include a numerical score and an indication of whether the person
 7-16 passed or failed the examination.

7-17 SECTION 1.32. Sections 1001.307 and 1001.352, Occupations
 7-18 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
 7-19 Code, as added by this Act, and redesignated as Sections 1001.274
 7-20 and 1001.275, Occupations Code, respectively, to read as follows:

7-21 Sec. 1001.274 [~~1001.307~~]. REEXAMINATION. The board may
 7-22 permit reexamination of an applicant on payment of an appropriate
 7-23 reexamination fee in an amount set by the board.

7-24 Sec. 1001.275 [~~1001.352~~]. NOTICE OF LICENSE EXPIRATION.
 7-25 Not later than the 30th day before the date a person's license is
 7-26 scheduled to expire, the board shall send written notice of the
 7-27 impending expiration to the person at the person's last known
 7-28 address according to the records of the board.

7-29 SECTION 1.33. Sections 1001.353 and 1001.3535, Occupations
 7-30 Code, are transferred to Subchapter F-1, Chapter 1001, Occupations
 7-31 Code, as added by this Act, redesignated as Sections 1001.276 and
 7-32 1001.277, Occupations Code, respectively, and amended to read as
 7-33 follows:

7-34 Sec. 1001.276 [~~1001.353~~]. PROCEDURE FOR RENEWAL. (a) A
 7-35 person who is otherwise eligible to renew a license may renew an
 7-36 unexpired license by paying the required [~~annual~~] renewal fee to
 7-37 the board before the expiration date of the license. A person whose
 7-38 license has expired may not engage in activities that require a
 7-39 license until the license has been renewed.

7-40 (b) A person whose license has been expired for 90 days or
 7-41 less may renew the license by paying to the board the required
 7-42 [~~annual~~] renewal fee and a late renewal fee.

7-43 (c) A person whose license has been expired for more than 90
 7-44 days but less than two years may renew the license by paying to the
 7-45 board the required [~~annual~~] renewal fee and a late renewal fee for
 7-46 each delinquent year or part of a year.

7-47 (d) A person whose license has been expired for two years or
 7-48 more may not renew the license. The person may obtain a new license
 7-49 by complying with the requirements and procedures, including the
 7-50 examination requirements, for obtaining an original license.

7-51 Sec. 1001.277 [~~1001.3535~~]. CRIMINAL HISTORY RECORD
 7-52 INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) This section
 7-53 applies only to an applicant for renewal of a license or
 7-54 registration as an engineer, licensed state land surveyor, or
 7-55 registered professional land surveyor.

7-56 (b) An applicant renewing a license [~~issued under this~~
 7-57 ~~chapter~~] shall submit a complete and legible set of fingerprints
 7-58 for purposes of performing a criminal history check of the
 7-59 applicant as provided by Section 1001.272 [~~1001.3035~~].

7-60 (c) [~~(b)~~] The board may not renew the license of a person
 7-61 who does not comply with the requirement of Subsection (b) [~~(a)~~].

7-62 (d) [~~(c)~~] A license holder is not required to submit
 7-63 fingerprints under this section for the renewal of the license if
 7-64 the license holder has previously submitted fingerprints under:

7-65 (1) Section 1001.272 [~~1001.3035~~] for the initial
 7-66 issuance of the license; or

7-67 (2) this section as part of a prior license renewal.

7-68 SECTION 1.34. Section 1001.354, Occupations Code, is
 7-69 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as

8-1 added by this Act, and redesignated as Section 1001.278,
 8-2 Occupations Code, to read as follows:
 8-3 Sec. 1001.278 [~~1001.354~~]. RENEWAL OF EXPIRED LICENSE BY
 8-4 OUT-OF-STATE PRACTITIONER. (a) A person who was licensed in this
 8-5 state, moved to another state, and is currently licensed and has
 8-6 been in practice in the other state for the two years preceding the
 8-7 date of application may obtain a new license without reexamination.
 8-8 (b) The person must pay to the board a fee that is equal to
 8-9 two times the normally required renewal fee for the license.
 8-10 SECTION 1.35. Section 1001.355, Occupations Code, is
 8-11 transferred to Subchapter F-1, Chapter 1001, Occupations Code, as
 8-12 added by this Act, redesignated as Section 1001.279, Occupations
 8-13 Code, and amended to read as follows:
 8-14 Sec. 1001.279 [~~1001.355~~]. INACTIVE STATUS. (a) An
 8-15 engineer or land surveyor may request inactive status at any time.
 8-16 An engineer or land surveyor [A license holder] on inactive status
 8-17 may not practice engineering or land surveying, as applicable.
 8-18 (b) An engineer or land surveyor [A license holder] on
 8-19 inactive status must pay a [an annual] fee in an amount and at times
 8-20 prescribed [set] by the board.
 8-21 (c) An engineer or land surveyor [A license holder] on
 8-22 inactive status is not required to:
 8-23 (1) comply with the continuing education requirements
 8-24 adopted by the board under Section 1001.210 or 1071.305, as
 8-25 applicable; or
 8-26 (2) take an examination for reinstatement to active
 8-27 status.
 8-28 (d) To return to active status, an engineer or land surveyor
 8-29 [a license holder] on inactive status must:
 8-30 (1) file with the board a written notice requesting
 8-31 reinstatement to active status;
 8-32 (2) pay the fee for the [annual] renewal of the
 8-33 license; and
 8-34 (3) provide evidence satisfactory to the board that
 8-35 the person has complied with the continuing education requirements
 8-36 adopted by the board under Section 1001.210 or 1071.305, as
 8-37 applicable.
 8-38 SECTION 1.36. The heading to Subchapter G, Chapter 1001,
 8-39 Occupations Code, is amended to read as follows:
 8-40 SUBCHAPTER G. ENGINEERING LICENSE REQUIREMENTS
 8-41 SECTION 1.37. Section 1001.305, Occupations Code, is
 8-42 amended to read as follows:
 8-43 Sec. 1001.305. WAIVER OF EXAMINATION REQUIREMENT. The
 8-44 board by rule may waive all or part of the examination requirement
 8-45 for an applicant for the issuance or reissuance of a license under
 8-46 this chapter. The board may not waive the requirement unless the
 8-47 board first determines that:
 8-48 (1) the applicant possesses sufficient qualifications
 8-49 to justify the waiver; and
 8-50 (2) issuing or reissuing the license to the applicant
 8-51 does not pose a threat to the public health, safety, or welfare.
 8-52 SECTION 1.38. Section 1001.311, Occupations Code, is
 8-53 amended to read as follows:
 8-54 Sec. 1001.311. APPLICATION BY NONRESIDENT. (a) A person
 8-55 who holds a license or certificate of registration issued by
 8-56 another state or a foreign country may apply under this chapter for
 8-57 a license in this state.
 8-58 (b) The board may waive any prerequisite to obtaining a
 8-59 license under this chapter for an applicant after reviewing the
 8-60 applicant's credentials and determining that the applicant holds a
 8-61 license issued by another jurisdiction that has licensing
 8-62 requirements substantially equivalent to those of this state.
 8-63 SECTION 1.39. Section 1001.312, Occupations Code, is
 8-64 amended to read as follows:
 8-65 Sec. 1001.312. REPLACEMENT LICENSE. The board, subject to
 8-66 board rules, may issue a new license to replace a license issued
 8-67 under this chapter that is lost, destroyed, or mutilated.
 8-68 SECTION 1.40. The heading to Subchapter H, Chapter 1001,
 8-69 Occupations Code, is amended to read as follows:

SUBCHAPTER H. ENGINEERING LICENSE RENEWAL

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

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

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

(2) fraud or deceit in obtaining a license;

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) arbitrary or capricious;

(2) contrary to law; or

(3) conducted without due process of law.

SECTION 1.45. Section 1001.5511, Occupations Code, is amended to read as follows:

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

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

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

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

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

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

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

SECTION 1.47. Section 1001.553, Occupations Code, is

10-1 amended to read as follows:

10-2 Sec. 1001.553. REPORT OF VIOLATION. A public official
10-3 shall report a violation of this chapter or Chapter 1071 to the
10-4 proper authorities.

10-5 SECTION 1.48. Section 1001.554, Occupations Code, is
10-6 amended to read as follows:

10-7 Sec. 1001.554. PRESENTATION OF COMPLAINTS BY BOARD;
10-8 ASSISTANCE AT TRIAL. (a) A member of the board may present to a
10-9 prosecuting officer a complaint relating to a violation of this
10-10 chapter or Chapter 1071.

10-11 (b) The board through its members, officers, counsel, and
10-12 agents and subject to the control of the prosecuting officer may
10-13 assist in the trial of a case involving an alleged violation of this
10-14 chapter or Chapter 1071.

10-15 SECTION 1.49. Section 1001.555(a), Occupations Code, is
10-16 amended to read as follows:

10-17 (a) The attorney general shall:

10-18 (1) act as legal advisor of the board;

10-19 (2) provide legal assistance to the board as necessary
10-20 to enforce this chapter or Chapter 1071 and make those laws [~~it~~]
10-21 effective; and

10-22 (3) represent the board in an action brought to
10-23 enforce this chapter or Chapter 1071.

10-24 SECTION 1.50. Section 1001.556, Occupations Code, is
10-25 amended to read as follows:

10-26 Sec. 1001.556. APPEAL BOND. The board is not required to
10-27 give an appeal bond in a cause arising under this chapter or Chapter
10-28 1071.

10-29 SECTION 1.51. Section 1071.002(1), Occupations Code, is
10-30 amended to read as follows:

10-31 (1) "Board" means the Texas Board of Professional
10-32 Engineers and Land Surveyors [~~Surveying~~].

10-33 SECTION 1.52. Section 1071.254, Occupations Code, is
10-34 amended by amending Subsection (a) and adding Subsection (c) to
10-35 read as follows:

10-36 (a) An applicant for registration as a registered
10-37 professional land surveyor must:

10-38 (1) hold a certificate as a surveyor-in-training;

10-39 (2) have at least two years of experience satisfactory
10-40 to the board as a surveyor-in-training in performing surveying in
10-41 delegated responsible charge as a subordinate to a surveyor
10-42 registered or licensed to engage in the practice of surveying in
10-43 this state or in another state having registration or licensing
10-44 requirements equivalent to the requirements of this state; and

10-45 (3) except as provided by Subsection (c) [if the
10-46 application is filed after January 1, 2003], have earned a
10-47 bachelor's degree from an accredited institution of higher
10-48 education that included at least 32 semester hours in a combination
10-49 of courses acceptable to the board in:

10-50 (A) civil engineering;

10-51 (B) land surveying;

10-52 (C) mathematics;

10-53 (D) photogrammetry;

10-54 (E) forestry;

10-55 (F) land law; or

10-56 (G) the physical sciences.

10-57 (c) The board by rule may authorize the waiver of the
10-58 requirement that an applicant for registration as a registered
10-59 professional land surveyor have a bachelor's degree if:

10-60 (1) the applicant has earned an associate degree from
10-61 an accredited institution of higher education that included at
10-62 least 32 semester hours in a combination of courses acceptable to
10-63 the board in:

10-64 (A) civil engineering;

10-65 (B) land surveying;

10-66 (C) mathematics;

10-67 (D) photogrammetry;

10-68 (E) forestry;

10-69 (F) land law; or

11-1 (G) the physical sciences; and
 11-2 (2) the board determines:
 11-3 (A) the applicant possesses sufficient
 11-4 qualifications to justify the waiver; and
 11-5 (B) the applicant's registration does not pose a
 11-6 threat to the public health, safety, or welfare.

11-7 SECTION 1.53. The heading to Section 1071.301, Occupations
 11-8 Code, is amended to read as follows:

11-9 Sec. 1071.301. LICENSE TERM AND [ANNUAL] RENEWAL
 11-10 [REQUIRED].

11-11 SECTION 1.54. Section 1071.301, Occupations Code, is
 11-12 amended by amending Subsection (a) and adding Subsections (a-1) and
 11-13 (a-2) to read as follows:

11-14 (a) The board by rule shall provide:

11-15 (1) that each certificate of registration or license
 11-16 under this chapter is valid for a term of one year or two years; and

11-17 (2) for the renewal of the certificate or license.

11-18 (a-1) The board by rule may adopt a system under which
 11-19 certificates of registration and licenses expire on various dates
 11-20 during the year.

11-21 (a-2) For the year in which the certificate or license
 11-22 expiration date is changed, the board shall prorate certificate and
 11-23 license fees on a monthly basis so that each certificate or license
 11-24 holder pays only that portion of the certificate or license fee that
 11-25 is allocable to the number of months during which the certificate or
 11-26 license is valid. On renewal of the certificate or license on the
 11-27 new expiration date, the total certificate or license renewal fee
 11-28 is payable.

11-29 SECTION 1.55. Section 1071.352(a-2), Occupations Code, is
 11-30 amended to read as follows:

11-31 (a-2) The board may refuse to issue or renew and may suspend
 11-32 or revoke the registration of a business entity and may impose an
 11-33 administrative penalty under Subchapter K, Chapter 1001, against
 11-34 the owner of a business entity for a violation of this chapter by an
 11-35 employee, agent, or other representative of the entity, including a
 11-36 registered professional land surveyor employed by the entity.

11-37 SECTION 1.56. Section 1071.401(a), Occupations Code, is
 11-38 amended to read as follows:

11-39 (a) The board shall revoke, suspend, or refuse to renew a
 11-40 certificate of registration or license, place on probation a person
 11-41 whose certificate or license has been suspended, or reprimand a
 11-42 registration holder or license holder for:

11-43 (1) fraud or deceit in obtaining a certificate or
 11-44 license under this chapter;

11-45 (2) gross negligence, incompetence, or misconduct in
 11-46 the practice of surveying as a land surveyor; or

11-47 (3) a violation of this chapter or a board rule adopted
 11-48 under this chapter.

11-49 SECTION 1.57. Sections 1071.4035(a) and (b), Occupations
 11-50 Code, are amended to read as follows:

11-51 (a) The board by rule shall establish guidelines for an
 11-52 informal settlement conference related to a complaint filed with
 11-53 the board regarding conduct regulated under this chapter.

11-54 (b) Subject to Subsection (c), the board may order a person
 11-55 licensed or registered under this chapter to pay restitution to a
 11-56 consumer as provided in an agreement resulting from an informal
 11-57 settlement conference instead of or in addition to assessing an
 11-58 administrative penalty under Subchapter K, Chapter 1001 [~~this~~
 11-59 ~~chapter~~].

11-60 SECTION 1.58. The following provisions of the Occupations
 11-61 Code are repealed:

- 11-62 (1) Section 1071.003;
- 11-63 (2) Subchapter B, Chapter 1071;
- 11-64 (3) Subchapter C, Chapter 1071;
- 11-65 (4) Subchapter D, Chapter 1071;
- 11-66 (5) Subchapter E, Chapter 1071;
- 11-67 (6) Section 1071.255(c);
- 11-68 (7) Section 1071.257;
- 11-69 (8) Section 1071.258;

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

ARTICLE 2. CONFORMING AMENDMENTS

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

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

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

- (A) Chapter 1001, Occupations Code;
- (B) Chapter 1051, Occupations Code;
- (C) 22 T.A.C. Part 6 (Texas Board of Professional Engineers and Land Surveyors), Chapter 137 (Compliance and Professionalism); and
- (D) 22 T.A.C. Part 1 (Texas Board of Architectural Examiners), Chapter 1 (Architects), Subchapter H (Professional Conduct);

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

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

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

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

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

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

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

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

13-19 SECTION 2.03. Section 469.104, Government Code, is amended
 13-20 to read as follows:

13-21 Sec. 469.104. FAILURE TO SUBMIT PLANS AND SPECIFICATIONS.
 13-22 The commission shall report to the Texas Board of Architectural
 13-23 Examiners, the Texas Board of Professional Engineers and Land
 13-24 Surveyors, or another appropriate licensing authority the failure
 13-25 of any architect, interior designer, landscape architect, or
 13-26 engineer to submit or resubmit in a timely manner plans and
 13-27 specifications to the department as required by this subchapter.

13-28 SECTION 2.04. Section 472.001, Government Code, is amended
 13-29 to read as follows:

13-30 Sec. 472.001. APPLICABILITY OF CHAPTER. This chapter
 13-31 applies to:

- 13-32 (1) the Texas State Board of Public Accountancy;
- 13-33 (2) the Texas Board of Professional Engineers and Land
- 13-34 Surveyors; and
- 13-35 (3) the Texas Board of Architectural Examiners.

13-36 SECTION 2.05. Section 472.102(c), Government Code, is
 13-37 amended to read as follows:

13-38 (c) The Texas State Board of Public Accountancy shall
 13-39 annually remit \$703,344 to the general revenue fund, the Texas
 13-40 Board of Professional Engineers and Land Surveyors shall annually
 13-41 remit \$373,900 to the general revenue fund, and the Texas Board of
 13-42 Architectural Examiners shall annually remit \$510,000 to the
 13-43 general revenue fund.

13-44 SECTION 2.06. Section 2054.352(a), Government Code, is
 13-45 amended to read as follows:

13-46 (a) The following licensing entities shall participate in
 13-47 the system established under Section 2054.353:

- 13-48 (1) Texas Board of Chiropractic Examiners;
- 13-49 (2) Judicial Branch Certification Commission;
- 13-50 (3) State Board of Dental Examiners;
- 13-51 (4) Texas Funeral Service Commission;
- 13-52 (5) [~~Texas Board of Professional Land Surveying,~~
- 13-53 [~~(6)~~] Texas Medical Board;
- 13-54 (6) [~~(7)~~] Texas Board of Nursing;
- 13-55 (7) [~~(8)~~] Texas Optometry Board;
- 13-56 (8) [~~(9)~~] Department of Agriculture, for licenses
 13-57 issued under Chapter 1951, Occupations Code;
- 13-58 (9) [~~(10)~~] Texas State Board of Pharmacy;
- 13-59 (10) [~~(11)~~] Executive Council of Physical Therapy and
 13-60 Occupational Therapy Examiners;
- 13-61 (11) [~~(12)~~] Texas State Board of Plumbing Examiners;
- 13-62 (12) [~~(13)~~] ~~Texas State Board of Podiatric Medical~~
- 13-63 ~~Examiners;~~
- 13-64 [~~(14)~~] Texas State Board of Examiners of
- 13-65 Psychologists;
- 13-66 (13) [~~(15)~~] State Board of Veterinary Medical
- 13-67 Examiners;
- 13-68 (14) [~~(16)~~] Texas Real Estate Commission;
- 13-69 (15) [~~(17)~~] Texas Appraiser Licensing and

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

14-14 SECTION 2.07. Section 2166.202(b), Government Code, is
 14-15 amended to read as follows:

14-16 (b) The commission, in consultation with the Texas Board of
 14-17 Architectural Examiners and the Texas Board of Professional
 14-18 Engineers and Land Surveyors, shall adopt by rule criteria to
 14-19 evaluate the competence and qualifications of a prospective private
 14-20 design professional.

14-21 SECTION 2.08. Section 361.901(6), Health and Safety Code,
 14-22 is amended to read as follows:

14-23 (6) "Licensed professional engineer" means a person
 14-24 licensed as an engineer by the Texas Board of Professional
 14-25 Engineers and Land Surveyors.

14-26 SECTION 2.09. Section 366.071(c), Health and Safety Code,
 14-27 is amended to read as follows:

14-28 (c) A person who conducts preconstruction site evaluations,
 14-29 including visiting a site and performing a soil analysis, a site
 14-30 survey, or other activities necessary to determine the suitability
 14-31 of a site for an on-site sewage disposal system must hold a license
 14-32 issued by the commission under Chapter 37, Water Code, unless the
 14-33 person is licensed by the Texas Board of Professional Engineers and
 14-34 Land Surveyors as an engineer.

14-35 SECTION 2.10. Sections 2210.2515(c) and (d), Insurance
 14-36 Code, are amended to read as follows:

14-37 (c) A person may apply to the association on a form
 14-38 prescribed by the department for a certificate of compliance for a
 14-39 completed improvement. The association shall issue a certificate
 14-40 of compliance for a completed improvement if a professional
 14-41 engineer licensed by the Texas Board of Professional Engineers and
 14-42 Land Surveyors:

14-43 (1) has designed the improvement, has affixed the
 14-44 engineer's seal on the design, and submits to the association on a
 14-45 form prescribed by the department an affirmation of compliance with
 14-46 the applicable building code under the plan of operation; or

14-47 (2) completes a sealed post-construction evaluation
 14-48 report that confirms compliance with the applicable building code
 14-49 under the plan of operation.

14-50 (d) A person may apply to the department on a form
 14-51 prescribed by the department for a certificate of compliance for an
 14-52 ongoing improvement. Except as provided by Subsection (e), the
 14-53 department shall issue a certificate of compliance for an ongoing
 14-54 improvement if a qualified inspector under Section 2210.254
 14-55 inspects the ongoing improvement in accordance with commissioner
 14-56 rule and affirms that the improvement:

14-57 (1) conforms to a design of the improvement that has a
 14-58 seal affixed by a professional engineer licensed by the Texas Board
 14-59 of Professional Engineers and Land Surveyors and complies with the
 14-60 applicable building code under the plan of operation; or

14-61 (2) complies with the applicable building code under
 14-62 the plan of operation.

14-63 SECTION 2.11. Section 89.023(a), Natural Resources Code, is
 14-64 amended to read as follows:

14-65 (a) The commission may grant an extension of the deadline
 14-66 for plugging an inactive well if the operator maintains a current
 14-67 organization report with the commission as required by Section
 14-68 91.142 and if, on or before the date of renewal of the operator's
 14-69 organization report as required by that section, the operator files

15-1 with the commission an application for an extension that includes:
15-2 (1) an affirmation that complies with Section 89.029;
15-3 (2) a statement that the operator has, and on request
15-4 will provide, evidence of a good faith claim to a continuing right
15-5 to operate the well; and
15-6 (3) at least one of the following:
15-7 (A) documentation that since the preceding date
15-8 that the operator's organization report was required to be renewed
15-9 the operator has plugged, or restored to active operation as
15-10 defined by commission rule, a number of inactive wells equal to or
15-11 greater than 10 percent of the number of inactive wells operated by
15-12 the operator on that date;
15-13 (B) an abeyance of plugging report on a form
15-14 approved by the commission that:
15-15 (i) is in the form of a certification signed
15-16 by a person licensed by the Texas Board of Professional Engineers
15-17 and Land Surveyors as an engineer or by the Texas Board of
15-18 Professional Geoscientists;
15-19 (ii) includes:
15-20 (a) an affirmation by the licensed
15-21 person that the well has:
15-22 (1) a reasonable expectation of
15-23 economic value in excess of the cost of plugging the well for the
15-24 duration of the period covered by the report, based on the cost
15-25 calculation for plugging an inactive well; and
15-26 (2) a reasonable expectation of
15-27 being restored to a beneficial use that will prevent waste of oil or
15-28 gas resources that otherwise would not be produced if the well were
15-29 plugged; and
15-30 (b) appropriate documentation
15-31 demonstrating the basis for the affirmation of the well's future
15-32 utility; and
15-33 (iii) specifies the field and the covered
15-34 wells within that field in a format prescribed by the commission;
15-35 (C) a statement that the well is part of an
15-36 enhanced oil recovery project;
15-37 (D) if the operator of the well is not currently
15-38 otherwise required by commission rule or order to conduct a fluid
15-39 level or hydraulic pressure test of the well, documentation of the
15-40 results of a successful fluid level or hydraulic pressure test of
15-41 the well conducted in accordance with the commission's rules in
15-42 effect at the time the test is conducted;
15-43 (E) a supplemental bond, letter of credit, or
15-44 cash deposit sufficient for each well specified in the application
15-45 that:
15-46 (i) complies with the requirements of
15-47 Chapter 91; and
15-48 (ii) is of an amount at least equal to the
15-49 cost calculation for plugging an inactive well for each well
15-50 specified in the application;
15-51 (F) documentation of the deposit with the
15-52 commission each time the operator files an application of an amount
15-53 of escrow funds as prescribed by commission rule that equal at least
15-54 10 percent of the total cost calculation for plugging an inactive
15-55 well for each well specified in the application; or
15-56 (G) if the operator is a publicly traded entity:
15-57 (i) the following documents:
15-58 (a) a copy of the operator's federal
15-59 documents filed to comply with Financial Accounting Standards Board
15-60 Statement No. 143, Accounting for Asset Retirement Obligations;
15-61 and
15-62 (b) an original, executed Uniform
15-63 Commercial Code Form 1 Financing Statement, filed with the
15-64 secretary of state, that:
15-65 (1) names the operator as the
15-66 "debtor" and the Railroad Commission of Texas as the "secured
15-67 creditor"; and
15-68 (2) specifies the funds covered
15-69 by the documents described by Sub-subparagraph (a) in the amount of

16-1 the cost calculation for plugging an inactive well for each well
16-2 specified in the application; or
16-3 (ii) a blanket bond in the amount of the
16-4 lesser of:

16-5 (a) the cost calculation for plugging
16-6 any inactive wells; or
16-7 (b) \$2 million.

16-8 SECTION 2.12. Section 1002.004(j), Occupations Code, is
16-9 amended to read as follows:

16-10 (j) The board and the Texas Board of Professional Engineers
16-11 and Land Surveyors by rule, memorandum of understanding, or other
16-12 appropriate procedure or document shall jointly resolve any
16-13 conflict between this chapter or a rule adopted under this chapter
16-14 and Chapter 1001 or a rule adopted under that chapter.

16-15 SECTION 2.13. Sections 1051.607(b), (g), and (h),
16-16 Occupations Code, are amended to read as follows:

16-17 (b) An engineer may not engage or offer to engage in the
16-18 practice of architecture unless:

16-19 (1) the engineer is listed under Subsection (a); and

16-20 (2) the engineer is in good standing with the Texas
16-21 Board of Professional Engineers and Land Surveyors.

16-22 (g) The board and the Texas Board of Professional Engineers
16-23 and Land Surveyors shall pay equally the costs of a contested case.

16-24 (h) The Texas Board of Professional Engineers and Land
16-25 Surveyors has exclusive regulatory oversight over an engineer
16-26 listed under Subsection (a).

16-27 SECTION 2.14. Section 223.151, Transportation Code, is
16-28 amended to read as follows:

16-29 Sec. 223.151. APPLICABILITY. This subchapter:

16-30 (1) applies to services of a technical expert,
16-31 including an archeologist, biologist, geologist, or historian, to
16-32 conduct an environmental or cultural assessment required by state
16-33 or federal law for a transportation project under the authority or
16-34 jurisdiction of the department; and

16-35 (2) does not apply to services defined as engineering
16-36 by the Texas Board of Professional Engineers and Land Surveyors
16-37 under Chapter 1001, Occupations Code.

16-38 SECTION 2.15. Section 26.3573(u), Water Code, is amended to
16-39 read as follows:

16-40 (u) The petroleum storage tank remediation account may not
16-41 be used to pay for a site remediation that involves the installation
16-42 or construction of on-site equipment, structures, or systems used
16-43 in the extraction or management of wastes, except for soil
16-44 excavation and landfill disposal or well sampling and monitoring,
16-45 unless:

16-46 (1) the plans and specifications for the equipment,
16-47 structures, or systems are sealed by an engineer licensed by the
16-48 Texas Board of Professional Engineers and Land Surveyors; and

16-49 (2) the equipment, structures, or systems are
16-50 constructed under the supervision of an engineer licensed by the
16-51 Texas Board of Professional Engineers and Land Surveyors.

16-52 SECTION 2.16. Sections 26.364(b), (c), and (e), Water Code,
16-53 are amended to read as follows:

16-54 (b) The commission, on the request of an engineer licensed
16-55 by the Texas Board of Professional Engineers and Land Surveyors,
16-56 shall register the engineer in the program.

16-57 (c) An engineer registered in the program may contract to
16-58 perform corrective action under this subchapter unless the Texas
16-59 Board of Professional Engineers and Land Surveyors determines the
16-60 engineer is not qualified to perform a corrective action.

16-61 (e) The commission may not adopt minimum qualifications for
16-62 an engineer licensed by the Texas Board of Professional Engineers
16-63 and Land Surveyors to contract with an eligible owner or operator to
16-64 perform a corrective action under this subchapter.

16-65 SECTION 2.17. Sections 26.366(b), (c), and (e), Water Code,
16-66 are amended to read as follows:

16-67 (b) The commission, on the request of an engineer licensed
16-68 by the Texas Board of Professional Engineers and Land Surveyors,
16-69 shall license the engineer in the program.

17-1 (c) An engineer licensed in the program may supervise a
 17-2 corrective action under this subchapter unless the Texas Board of
 17-3 Professional Engineers and Land Surveyors determines the engineer
 17-4 is not qualified to supervise a corrective action.

17-5 (e) The commission may not adopt minimum qualifications for
 17-6 an engineer licensed by the Texas Board of Professional Engineers
 17-7 and Land Surveyors to supervise a corrective action under this
 17-8 subchapter.

17-9 ARTICLE 3. TRANSITIONS AND EFFECTIVE DATE

17-10 SECTION 3.01. (a) The Texas Board of Professional Land
 17-11 Surveying is abolished but continues in existence until September
 17-12 1, 2020, for the sole purpose of transferring obligations,
 17-13 property, rights, powers, and duties to the Texas Board of
 17-14 Professional Engineers and Land Surveyors as created by this Act.
 17-15 The Texas Board of Professional Engineers and Land Surveyors
 17-16 assumes all of the obligations, property, rights, powers, and
 17-17 duties of the Texas Board of Professional Land Surveying as they
 17-18 exist immediately before the effective date of this Act. All
 17-19 unexpended funds appropriated to the Texas Board of Professional
 17-20 Land Surveying are transferred to the Texas Board of Professional
 17-21 Engineers and Land Surveyors.

17-22 (b) The Texas Board of Professional Engineers and Land
 17-23 Surveyors and the Texas Board of Professional Land Surveying shall,
 17-24 in consultation with appropriate state entities, ensure that the
 17-25 transfer of the obligations, property, rights, powers, and duties
 17-26 of the Texas Board of Professional Land Surveying to the Texas Board
 17-27 of Professional Engineers and Land Surveyors is completed not later
 17-28 than September 1, 2020.

17-29 (c) All rules of the Texas Board of Professional Land
 17-30 Surveying are continued in effect as rules of the Texas Board of
 17-31 Professional Engineers and Land Surveyors until superseded by a
 17-32 rule of the Texas Board of Professional Engineers and Land
 17-33 Surveyors. A certificate, license, registration, or other
 17-34 authorization issued by the Texas Board of Professional Land
 17-35 Surveying is continued in effect as provided by the law in effect
 17-36 immediately before the effective date of this Act. An application
 17-37 for a certificate, license, registration, or other authorization
 17-38 pending on the effective date of this Act is continued without
 17-39 change in status after the effective date of this Act. A complaint,
 17-40 investigation, contested case, or other proceeding pending on the
 17-41 effective date of this Act is continued without change in status
 17-42 after the effective date of this Act.

17-43 SECTION 3.02. The change in law made by this Act to Section
 17-44 1001.101, Occupations Code, does not affect the entitlement of a
 17-45 member serving on the Texas Board of Professional Engineers
 17-46 immediately before the effective date of this Act to continue to
 17-47 serve for the remainder of the member's term. As the terms of board
 17-48 members expire, the governor shall appoint or reappoint members to
 17-49 the Texas Board of Professional Engineers and Land Surveyors who
 17-50 have the qualifications required for members under Sections
 17-51 1001.101 and 1001.102, Occupations Code, as amended by this Act.

17-52 SECTION 3.03. (a) Except as provided by Subsection (b) of
 17-53 this section, Section 1001.112, Occupations Code, as amended by
 17-54 this Act, applies to a member of the Texas Board of Professional
 17-55 Engineers and Land Surveyors appointed before, on, or after the
 17-56 effective date of this Act.

17-57 (b) A member of a board who, before the effective date of
 17-58 this Act, completed the training program required by Section
 17-59 1001.112, Occupations Code, as that section existed before the
 17-60 effective date of this Act, is required to complete additional
 17-61 training only on the subjects added by this Act to the training
 17-62 program. A board member described by this subsection may not vote,
 17-63 deliberate, or be counted as a member in attendance at a meeting of
 17-64 the board held on or after September 1, 2020, until the member
 17-65 completes the additional training.

17-66 SECTION 3.04. Sections 1001.272 and 1001.277, Occupations
 17-67 Code, as transferred, redesignated, and amended by this Act, with
 17-68 respect to an application for a license or registration or renewal
 17-69 of a license or registration for a registered professional land

18-1 surveyor or licensed state land surveyor, apply only to an
18-2 application filed with the Texas Board of Professional Engineers
18-3 and Land Surveyors on or after September 1, 2020. An application
18-4 filed before September 1, 2020, is governed by the law in effect
18-5 immediately before the effective date of this Act, and the former
18-6 law is continued in effect for that purpose.

18-7 SECTION 3.05. Section 1071.254(a), Occupations Code, as
18-8 amended by this Act, applies only to an application for
18-9 registration as a registered professional land surveyor that is
18-10 filed on or after the effective date of this Act. An application
18-11 for a registration that was filed before the effective date of this
18-12 Act is governed by the law in effect on the date the application was
18-13 filed, and the former law is continued in effect for that purpose.

18-14 SECTION 3.06. The Texas Board of Professional Engineers and
18-15 Land Surveyors is required to implement a provision of this Act only
18-16 if the legislature appropriates money specifically for that
18-17 purpose. If the legislature does not appropriate money
18-18 specifically for that purpose, the board may, but is not required
18-19 to, implement a provision of this Act using other appropriations
18-20 available for that purpose.

18-21 SECTION 3.07. To the extent of any conflict, this Act
18-22 prevails over another Act of the 86th Legislature, Regular Session,
18-23 2019, relating to nonsubstantive additions to and corrections in
18-24 enacted codes.

18-25 SECTION 3.08. This Act takes effect September 1, 2019.

18-26

* * * * *