(b) The board shall meet at least twice each year and at other times at the call of the governor and as provided by board rules.

SECTION 4. Chapter 443, Government Code, is amended by adding Section 443.0295 to read as follows:

Sec. 443.0295. GOVERNOR'S MANSION RENEWAL TRUST FUND. (a) The Governor's Mansion renewal trust fund is created as a trust fund outside the treasury with the comptroller and shall be administered by the board, as a trustee on behalf of the people of this state, to maintain and preserve the Governor's Mansion. The fund consists of:

(1) money transferred to the fund at the direction of the legislature; and

(2) money donated to the board for the purposes of preserving and maintaining the Governor's Mansion.

(b) Money in the fund may be used only for the purpose of performing major repairs to or preserving the Governor's Mansion, as determined by the board.

(c) The interest received from investment of money in the fund shall be credited to the fund.

SECTION 5. Chapter 445, Government Code, is amended by adding Sections 445.014 and 445.015 to read as follows:

Sec. 445.014. MUSEUM DIRECTOR. The executive director of the State Preservation Board shall employ a museum director to manage and operate the museum.

Sec. 445.015. NAMING OF MUSEUM AREAS. The State Preservation Board shall adopt reasonable policies for naming areas within the museum, including rooms and exhibition halls, in honor of donors or other benefactors, if appropriate.

SECTION 6. This Act takes effect September 1, 2013.

Passed the Senate on April 4, 2013: Yeas 30, Nays 0; the Senate concurred in House amendment on May 17, 2013: Yeas 31, Nays 0; passed the House, with amendment, on May 14, 2013: Yeas 144, Nays 0, two present not voting.

Approved June 14, 2013.
Effective September 1, 2013.

CHAPTER 402
S.B. No. 204

AN ACT
relating to the continuation and functions of the Texas Board of Professional Engineers; changing a fee.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 1001.005, Occupations Code, is amended to read as follows:

Sec. 1001.005. APPLICATION OF SUNSET ACT. The Texas Board of Professional Engineers is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the board is abolished and this chapter expires September 1, 2025 [2043].

SECTION 2. Subsection (a), Section 1001.206, Occupations Code, is amended to read as follows:

(a) The fee for a license under this chapter, for the annual renewal of that license, and for a reciprocal license under this chapter is increased by $200. The fee increase shall be collected at the time of the issuance or renewal of the license.

SECTION 3. Section 1001.304, Occupations Code, is amended by adding Subsection (e) to read as follows:

(e) The board shall:
(1) adopt policies and guidelines detailing the procedures for the examination process, including examination admission, examination administration, and national examination requirements; and

(2) post on the board’s Internet website the policies that reference the examination procedures of the board or, if applicable, the national organization selected by the board to administer an examination.

SECTION 4. Subsection (b), Section 1001.309, Occupations Code, is amended to read as follows:

(b) The board shall consider as minimum evidence that an applicant is qualified for certification or enrollment as an engineer-in-training if the applicant:

(1) complies with the education and character requirements of Section 1001.302; and

(2) has passed the board’s examination in the fundamentals of engineering.

SECTION 5. Subchapter G, Chapter 1001, Occupations Code, is amended by adding Section 1001.3035 to read as follows:

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

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

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

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

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

(d) The board may:

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

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

SECTION 6. Subchapter H, Chapter 1001, Occupations Code, is amended by adding Section 1001.3535 to read as follows:

Sec. 1001.3535. CRIMINAL HISTORY RECORD INFORMATION REQUIREMENT FOR LICENSE RENEWAL. (a) An applicant renewing a license issued under this chapter shall submit a complete and legible set of fingerprints for purposes of performing a criminal history check of the applicant as provided by Section 1001.3035.

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

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

(1) Section 1001.3035 for the initial issuance of the license; or

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

SECTION 7. Subchapter J, Chapter 1001, Occupations Code, is amended by adding Section 1001.4528 to read as follows:

Sec. 1001.4528. EMERGENCY SUSPENSION. (a) The board or a three-member panel of board members designated by the board shall temporarily suspend the license, certificate, or registration of a person if the board or panel determines from the evidence or information
presented to it that continued practice by the person would constitute a continuing and imminent threat to the public welfare.

(b) A license, certificate, or registration may be suspended under this section without notice or hearing on the complaint if:

(1) action is taken to initiate proceedings for a hearing before the State Office of Administrative Hearings simultaneously with the temporary suspension; and

(2) a hearing is held as soon as practicable under this chapter and Chapter 2001, Government Code.

(c) The State Office of Administrative Hearings shall hold a preliminary hearing not later than the 14th day after the date of the temporary suspension to determine if there is probable cause to believe that a continuing and imminent threat to the public welfare still exists. A final hearing on the matter shall be held not later than the 61st day after the date of the temporary suspension.

SECTION 8. Subsection (a), Section 1001.502, Occupations Code, is amended to read as follows:

(a) The amount of an administrative penalty may not exceed $5,000 [$3,000] for each violation. Each day a violation continues or occurs is a separate violation for purposes of imposing a penalty.

SECTION 9. Subchapter L, Chapter 1001, Occupations Code, is amended by adding Section 1001.5511 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 is violating this chapter, a rule adopted under this chapter, or another state statute or rule relating to the practice of engineering, 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 10. (a) Not later than December 1, 2013, the Texas Board of Professional Engineers shall adopt rules necessary to implement the changes in law made by this Act to Chapter 1001, Occupations Code.

(b) Sections 1001.3035 and 1001.3535, Occupations Code, as added by this Act, apply only to an application for a license or renewal of a license filed with the Texas Board of Professional Engineers on or after January 1, 2014. An application filed before that date is governed by the law in effect immediately before the effective date of this Act, and the former law is continued in effect for that purpose.

(c) Subsection (a), Section 1001.502, Occupations Code, as amended by this Act, applies only to a violation that occurs on or after the effective date of this Act. A violation that occurs before that date is governed by the law in effect when the violation occurred, and the former law is continued in effect for that purpose.

SECTION 11. This Act takes effect September 1, 2013.

Passed the Senate on March 26, 2013: Yeas 31, Nays 0; passed the House on May 15, 2013: Yeas 111, Nays 31, two present not voting.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 403

S.B. No. 246

AN ACT
relating to the electronic submission of a request for an attorney general opinion.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subsection (c), Section 402.042, Government Code, is amended to read as follows: