

AN ACT

relating to procedures for filing complaints with, and providing notice of certain violations to, the Texas Board of Professional Geoscientists.

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

SECTION 1. Section 1002.201, Occupations Code, is amended to read as follows:

Sec. 1002.201. PUBLIC INTEREST INFORMATION. (a) The board shall:

- (1) prepare information of public interest describing:
  - (A) the regulatory functions of the board; and
  - (B) the board's procedures by which complaints are filed with and resolved by the board; and
- (2) make the information available to the public and appropriate state agencies.

(b) The board shall maintain on the board's Internet website:

- (1) information regarding the procedure for filing a complaint with the board; and
- (2) a means by which a person may electronically file a complaint with the board.

SECTION 2. Section 1002.202, Occupations Code, is amended by amending Subsection (b) and adding Subsection (d-1) to read as follows:

(b) A complaint from a member of the public must be:

(1) in writing;

(2) sworn to by the person making the complaint; and

(3) filed with the secretary-treasurer or electronically through the board's Internet website.

(d-1) The board shall accept a complaint regardless of whether the complaint is notarized.

SECTION 3. Subchapter E, Chapter 1002, Occupations Code, is amended by adding Sections 1002.206 and 1002.207 to read as follows:

Sec. 1002.206. COMPLAINT EDUCATION. (a) In this section, "state agency" has the meaning assigned by Section 57.001.

(b) The board shall work with each state agency that uses the services of a person licensed under this chapter and other appropriate state agencies as determined by the board, including a state agency with which the board has entered into a memorandum of understanding that addresses the coordination of activities or complaints, to educate the agency's employees regarding the procedures by which complaints are filed with and resolved by the board.

Sec. 1002.207. DUTY OF STATE AGENCY TO REPORT POTENTIAL

VIOLATION. (a) In this section, "state agency" has the meaning assigned by Section 57.001.

(b) A state agency that becomes aware of a potential violation of this chapter or a rule adopted under this chapter shall forward any information relating to the potential violation and any subsequently obtained information to the board.

(c) Information forwarded by a state agency under this section that is privileged or confidential remains privileged or confidential following receipt by the board. The privilege or confidentiality extends to any board communication concerning the information forwarded, regardless of the form, manner, or content of the communication.

(d) The forwarding of privileged or confidential information by a state agency does not waive a privilege in or create an exception to the confidentiality of the information.

(e) A state agency's provision of information or failure to provide information under this section does not give rise to a cause of action against the agency.

SECTION 4. Not later than December 1, 2013, the Texas Board of Professional Geoscientists shall adopt rules necessary to implement Sections 1002.201 and 1002.202, Occupations Code, as amended by this Act, and Sections 1002.206 and 1002.207, Occupations Code, as added by this Act.

SECTION 5. This Act takes effect September 1, 2013.

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 138 passed the Senate on March 13, 2013, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 138 passed the House on May 17, 2013, by the following vote: Yeas 134, Nays 0, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor