

To: Senate Committee on Business and Commerce

From: Lance Kinney, P.E., Executive Director
Texas Board of Professional Engineers (TBPE)

Subject: Progress Report on Implementation of Legislation passed through the committee in the 82nd Regular and First Called Sessions

Date: October 9, 2012 Committee Meeting

House Bill 2284 defines the overlap between the practice of engineering and architecture in the state of Texas, clarifying the scope of practice, primarily in relation to issues of building design.

Since the last update to this committee, the TBPE and the Texas Board of Architectural Examiners (TBAE) have continued to collaboratively ensure alignment in communicating issues to those professional licensees who are affected by these changes to the law.

Towards that end we have:

- Provided joint outreach to the architect and engineering community
- Collaborated on communication via websites for the respective constituents
- Held two joint task force meetings as outlined in the statute with designees from TBPE and TBAE

Details about this bill and our progress can be found at TBPE website:

<http://engineers.texas.gov/overlap.html>

TBPE determined that the statute clearly outlines requirements for engineers regarding building design, and therefore the only rule change required to support the change in statute was the repeal of the Joint Advisory Committee which was abolished in HB 2284. That rule was repealed in November 2011.

The next step for TBPE is to continue to facilitate the implementation of the task force between the two boards which was created in the bill. The task force provides a forum for the two agencies to work through issues that have arisen from the new language of the law.

House Bill 3 from the First Called Session included a section about the Texas Department of Insurance (TDI) Windstorm Insurance program. HB 3 required the Texas Board of Professional Engineers to establish a roster of Professional Engineers qualified to do windstorm design. The role that TBPE plays in the Windstorm program is one of oversight

of the Professional Engineers who serve as certified windstorm inspectors. The bill required a joint operation between TDI and TBPE to develop a means of assessing competency in these inspectors and revamping a system that had remained static for several years. The nearly 800 Professional Engineers who are currently practicing inspectors, as well as prospective inspectors, are required to affirm qualifications, and be placed on the TBPE roster prior to reapplying with TDI.

TBPE and TDI have worked jointly to develop an online assessment of windstorm competency and as well as procedures for implementing the program. TBPE has completed its statutory requirements: the assessment system and engineer roster are in place and applications are currently being processed. TDI rules are in process to require a deadline of December 31, 2012 when the new requirements will be in effect.

A web page with more information may be found on the TBPE website:

<http://engineers.texas.gov/windstorm.html>

House Bill 2067 exempts engineers engaged in the evaluation of oil and gas resources that are licensed in a state that does not prohibit similar activities in that state by a Texas engineer from the regulatory requirements of the Texas Engineering Practice Act. What this means in layman's terms is that because oil and gas reservoirs are not constrained by state boundaries, engineers licensed in other states with similar provisions to HB2067 can practice engineering related to oil and gas reservoirs in Texas. Currently, Louisiana is the only other state with a similar provision, therefore allowing a Texas petroleum engineer to practice engineering related to oil and gas reservoirs in Louisiana.