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September 4, 1991

The Honorable Dan Morales
Attorney General of Texas
P.O. Box 12548
Austin, Texas 78711

RD-173

*Opinions
11-# 13495 MJ*

RECEIVED

SEP 06 91

Opinion Committee

Dear General Morales:

RE: Request for Opinion

This agency is hereby requesting an official opinion to resolve an uncertain application of a newly enacted provision in The Texas Engineering Practice Act, Article 3271a, VTCS, as amended by the First Called Session, 72nd Texas Legislature.

1 House Bill 11, August 13, 1991, relating to the raising of revenue for the operation of the state and local government, provides in Section 10.08(a) that the referenced Engineering Practice Act is amended by adding Sec. 13B which increases the engineer's annual renewal fee by \$200.

However, Senate Bill 737, subsequently amended by House Bill 180, 71st Legislature (1989), added Sec. 13(d) to Article 3271a which provides that "The Board by rule may adopt reduced annual renewal fees for registered engineers who are at least 65 years of age."

The legislative history for Senate Bill 737 includes the following justification considered by Senate and House Committee Members:

"The purpose of this provision is to provide relief from future occupational fees, such as the \$110 temporary fee imposed for 1988 and 1989, for those senior engineers, many of whom no longer actively practice engineering but desire to maintain their professional status. These senior engineers will still continue to pay the regular annual renewal fee set by the Board for all registrants."

See the penultimate paragraph in each of the letters enclosed, which were written to the Senate and House sponsors, respectively, of S.B. 737, and its companion H.B. 1592.

The newly enacted 1 H.B. 11, increasing renewal fees by \$200, contains no provision to amend or repeal Sec. 13(d) which permits the Board to reduce the annual renewal fee for the senior registrants.

ACCOMPANIED BY ENCLOSURES —
FILED SEPARATELY

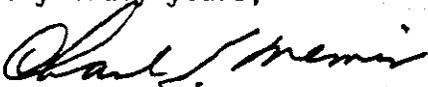
Honorable Dan Morales
September 4, 1991
Page 2

Therefore, we respectfully ask for your opinion as to whether or not this agency, irrespective of Sec. 13B, has the authority under Sec. 13(d), Art. 3271a, VTCS, to reduce the annual renewal fee for registered engineers who are at least 65 years of age, by the \$200 amount imposed by 1 H.B. 11.

Your early attention to this request will be greatly appreciated as the Board is currently collecting the additional \$200 from affected senior engineers, which additional fees will be refunded, if appropriate, upon the receipt of your official opinion.

Thank you for your anticipated courtesies in promptly responding to this request.

Very truly yours,



Charles E. Nemir, P.E.
Executive Director

CEN:smg
Enclosures