

FLOOR AMENDMENT NO. \_\_\_\_\_

BY: \_\_\_\_\_

1 Amend C.S.H.B. 655 by adding the following appropriately  
2 numbered SECTIONS to the bill and renumbering subsequent SECTIONS  
3 accordingly:

4 SECTION \_\_\_\_\_. Section 1101.002, Occupations Code, is  
5 amended by adding Subdivision (3-a) to read as follows:

6 (3-a) "Landman" means a person who, in the course and  
7 scope of the person's business:

8 (A) acquires or manages petroleum, natural gas,  
9 or mineral interests;

10 (B) performs title or contract functions related  
11 to the exploration, exploitation, or disposition of petroleum,  
12 natural gas, or mineral interests;

13 (C) negotiates for the acquisition or  
14 divestiture of petroleum, natural gas, or mineral rights, including  
15 the acquisition or divestiture of land or petroleum, natural gas,  
16 or mineral rights for a pipeline; or

17 (D) negotiates business agreements that provide  
18 for the exploration for or development of petroleum, natural gas,  
19 or minerals.

20 SECTION \_\_\_\_\_. Section 1101.005, Occupations Code, is  
21 amended to read as follows:

22 Sec. 1101.005. APPLICABILITY OF CHAPTER. This chapter  
23 does not apply to:

24 (1) an attorney licensed in any state;

25 (2) an attorney-in-fact authorized under a power of  
26 attorney to conduct a real estate transaction;

27 (3) a public official while engaged in official  
28 duties;

29 (4) an auctioneer licensed under Chapter 1802 while

1 conducting the sale of real estate by auction if the auctioneer does  
2 not perform another act of a broker or salesperson;

3 (5) a person conducting a real estate transaction  
4 under a court order or the authority of a will or written trust  
5 instrument;

6 (6) a person employed by an owner in the sale of  
7 structures and land on which structures are located if the  
8 structures are erected by the owner in the course of the owner's  
9 business;

10 (7) an on-site manager of an apartment complex;

11 (8) an owner or the owner's employee who leases the  
12 owner's improved or unimproved real estate;

13 (9) a partnership or limited liability partnership  
14 acting as a broker or salesperson through a partner who is a  
15 licensed broker; or

16 (10) a transaction involving:

17 (A) the sale, lease, or transfer of a mineral or  
18 mining interest in real property subject to Section 1101.3515;

19 (B) the sale, lease, or transfer of a cemetery  
20 lot;

21 (C) the lease or management of a hotel or motel;

22 or

23 (D) the sale of real property under a power of  
24 sale conferred by a deed of trust or other contract lien.

25 SECTION \_\_\_\_\_. Subchapter H, Chapter 1101, Occupations Code,  
26 is amended by adding Section 1101.3515 to read as follows:

27 Sec. 1101.3515. LANDMAN LICENSE REQUIRED. (a) A person may  
28 not act as or represent that the person is a landman in this state  
29 unless the person holds a landman license under this chapter.

30 (b) An applicant for a landman license shall submit an  
31 application to the commission on the form prescribed by the

1 commission, pay the fee established by commission rule, and comply  
2 with any other requirements established by commission rule,  
3 including eligibility and examination requirements. An applicant  
4 for a landman license may not act as a landman until the person  
5 receives a license issued by the commission.

6 (c) To protect the public, the commission by rule shall:

7 (1) establish the eligibility requirements for a  
8 landman license holder, including education, experience, and  
9 examination requirements as appropriate;

10 (2) establish the moral character requirements,  
11 including honesty, trustworthiness, and integrity, an applicant or  
12 license holder must satisfy to hold a landman license;

13 (3) establish the form and procedures for applying for  
14 a landman license;

15 (4) set the application and license fees;

16 (5) establish the term of the license and renewal  
17 procedures and fees;

18 (6) establish continuing education requirements;

19 (7) determine the scope of practice by a landman  
20 license holder; and

21 (8) require a landman license holder to comply with  
22 the standards of conduct and ethics established by the commission  
23 for a person licensed under this chapter.

24 (d) A landman license is valid for the term established by  
25 commission rule. A landman may renew a landman license by  
26 submitting a renewal application to the commission on the form  
27 prescribed by the commission, paying the required renewal fee, and  
28 complying with any other requirements established by commission  
29 rule, including continuing education requirements.

30 (e) A licensed landman or person required to be licensed as  
31 a landman who violates this chapter or rules adopted under this

1 chapter is subject to disciplinary action under this chapter.

2           SECTION \_\_\_\_\_. (a) The Texas Real Estate Commission shall  
3 work cooperatively with the Railroad Commission of Texas to adopt  
4 the rules necessary to implement Section 1101.3515, Occupations  
5 Code, as added by this Act. The Texas Real Estate Commission shall  
6 adopt the rules not later than January 1, 2012.

7           (b) Notwithstanding Section 1101.3515, Occupations Code, as  
8 added by this Act, a person is not required to hold a landman  
9 license to act as a landman in this state until March 1, 2012.