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A publication of the Texas Society of Professional Surveyors

Chapter Presidents Share Ideas

June 2009



Jerry Cutts, of El Paso (right, standing), addresses the Chapter Presidents forum June 13 at in Austin. Second Quarterly Board Meeting attendees then left the proceedings that afternoon and met again at the Zilker Clubhouse, overlooking Lady Bird Lake (Town Lake), for a first-ever TSPS BBQ Cook Off in conjunction with the annual Ray Wisdom Auction. (See more on page 3).

Recap of the 2009 Legislative Session and Ongoing TSPS Governmental Affairs Issues

Patrick A. Smith, RPLS
Gov't Affairs Committee Chair

Let's start with a little history on the actual membership and operations of the committee.

The TSPS Governmental Affairs Committee is open to all members of the association and works under the guidance of Committee Chairman Pat Smith, in conjunction with the TSPS Legislative Counsel, Mark Hanna. The committee meets at each quarterly meeting of the TSPS Board of Directors, while constantly accepting input from all association members. The final legislative agenda for the upcoming session is comprised of all action items that are deemed feasible by vote of the committee and approved by the TSPS Board of Directors, typically at the June meeting prior to the January, of odd num-

bered years, start of a legislative session. This allows time for selected items to be drafted into final legislative form, bill sponsors (Representatives & Senators) to be solicited and legislation filed as early as possible in the session. During a legislative session the committee, in addition to working on the TSPS bills, also monitors all filed legislation for items that may impact or be of interest to the surveying community and works with other professional associations on items of mutual interest. The committee, with assistance from the TSPS Executive Director, maintains the Legislative Alert Program, which is an email list of TSPS members that have agreed to contact their Representative or Senator in an immediate action mode should pending legislation or other activities require that immediate and personal contact. This program has proven to be extremely

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2009 Legislative Session And TSPS Gov't Affairs Issues

2009 Barbecue Cook-Off Winners

Last Look At Ray Wisdom Auction At Zilker Clubhouse In Austin

2009 TSPS Educators Retreat At Lone Star College-Montgomery

Educators Retreat Sponsors

Duncanville High School Junior Passes CST Level 1 Exam

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Legislative Session

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effective due to the willingness of our members to participate. The committee also works on any issues involving the surveying community and state agencies, which arise from input or specific requests from our members or contact made to TSPS by a state agency.

In short, the TSPS Governmental Affairs Committee welcomes your input and participation, while realizing that the final positions of the committee are the collective decision of the association and its leadership.

RECAP OF THE TSPS 2009 LEGISLATIVE AGENDA

TSPS LEGISLATIVE AGENDA

For the 2009 legislative session, the Governmental Affairs Committee was directed to pursue three items. If possible, the Legislative Counsel files a bill in the House (HB) & Senate (SB) for each item to increase the opportunities for final passage of a bill for any particular item.

HB 1411 (Rep. Jones) & SB 974 (Sen. Carona) - (PASSED) – relating to records of certain frivolous complaints maintained by the Texas Board of Professional Land Surveying (TBPLS)

HB 1411 was the bill that made it through the full process to final passage with the important wording being – “For any complaint determined to be frivolous or without merit, the complaint and other enforcement case information related to that complaint are confidential. The information may be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. The information is not subject

to discovery, subpoena, or other disclosure.”

HB 3114 (Rep. Flores) & Sponsored in Senate by Sen. Watson – (PASSED) – relating to continuing professional education requirements for land surveyors

This bill was approved in the House in its originally submitted form that changed the requirement from 8 hours per year to 16 hours per year for license renewal. Upon being received by the Senate, the bill was assigned to the Business & Commerce Committee and posted for public hearing. At the public hearing a surveyor from the Houston area testified that “the only reason TSPS submitted this bill was to make more money having seminars”. Although this was in direct contradiction to the testimony offered by TSPS, that the increase was merited by the need to keep Texas at the forefront of the nation in CEU requirements, with the national average being 12 to 15 hours per year, would give TBPLS the flexibility to require a certain number of hours in targeted education areas and that TSPS was only one of 42 CEU providers, the committee seemed reluctant to move the bill forward and left it pending in committee. The decision was made to offer up a substitute when the committee reconvened. The substitute language put the increase in the hands of TBPLS and made it necessary for TBPLS to pass a rule by November 1, 2009 mandating the required number of CEU hours for the 2011 license renewal at a level not to exceed 16 hours. This substitute was passed out of committee, subsequently passed by the Senate, sent back to the House, approved by the House and sent to the Governor for signature on 06/03/2009.

See **LEGISLATIVE SESSION**, Page 5



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Barbecue Cook-Off Winners!



1st Place Chicken – Grabbing first place in the chicken competition was "Vatos de Uvalde", which included members (from left) Elizabeth Kelso, Don Huddleston and Tres Casal (not pictured - Greg Smyth)



1st Place Ribs – The University of Houston TSPS Student Chapter won first place in the ribs competition. Team members pictured are (from left) Student Chapter President Rafael Gonzales and Past Student Chapter President Matthew Schultz.



2nd Place Chicken & Ribs – Placing second in both chicken and ribs were Anco-GLO members (from left) Gina O'Hara, Jason Smalley, Aaron Laine, Chris Valle and David Pyle (not pictured - David Holmes and Michael Mokarzel)



3rd Place Chicken & Ribs – Placing third in both chicken and ribs were Geomatic Design members (from left) Matt Barton, Justin Garrett, Jordan Garrett and Randall Marshal.



Tough Job ...

but somebody's got to do it!

Sacrificing for the association to judge this year's first-ever TSPS BBQ Cook Off were (seated at table, from left) **Jerry Fults** (TSPS Past President), **Coleen Johnson** (TSPS Past President), **John Watson** (TSPS 1st Vice President) and **Alan McLain** (TSPS President-Elect).

A special thanks to **TSFI Chair Henry Kuehlem** (seated behind table) for organizing this first-ever TSPS event.

2009 Ray Wisdom Barbecue & Auction



The view from Zilker Clubhouse, site of the 2009 TSPS Ray Wisdom Barbecue & Auction.



TSFI Chair Henry Kuehlem (above, left) with Ray Wisdom Auction auctioneer George Collis. TSPS Picnic attendees (middle photo, right) got their fill of barbecue and sides. TSPS Product Sales Chair Bob Hysmith (right) shares a moment with Margie Collis and Edith Ingram.



*Photos by
Johnny L. Ingram*

HB 1677 (Rep. Smith) & SB 1320 (Sen. Wentworth) – (DID NOT PASS) – relating to notice by a governmental entity regarding certain geospatial data products

This bill was known within TSPS as the “GIS Disclaimer Bill” and would have required a disclaimer, either web-based or hard copy, on map products that depicted what could be construed as property lines, stating that the lines were not the result of an actual survey. Based on comments/concerns from Texas Parks & Wildlife and Texas Municipal League, amendments were made to the language further defining what depicted a property line, with those amendments being acceptable to all parties. Of note to TSPS was testimony made by an Appraisal District representative stating that this was a good bill and the way appraisal district maps should be done. SB 1320 was the bill that moved forward through the process and after being approved by the Senate, sent to the House, heard in State Affairs Committee and sent to the Calendars Committee to be posted for final House approval, the bill never made it to the House floor due to the final 2 week logjam caused by antics over the Voter ID bill.

OTHER LEGISLATIVE ISSUES

HB 4472 & HB 4473 – relating to the monumentation of residential subdivisions in the county and in a municipality

The issue of the timing of the placement of subdivision monumentation relative to the construction of infrastructure improvements is an issue that has been discussed between TSPS and TBPLS for a number of years with no final results from those efforts. After discussion in the Governmental Affairs Committee meeting it was determined not to pursue this in the legislative session. Subsequent to the start of the legislative session, TSPS was approached by the Greater Houston Builders Association (GHBA) who stated that they were going to pursue the issue with legislative amendments to the Local Government Code and wanted the assistance of TSPS to get the wording/process right. The participation of TSPS in this process was determined by the TSPS Executive Committee to be in the best interest of our members and surveyors in general. The fundamental wording of the legislation was prepared by the Governmental Affairs Chair and presented to GHBA, who then filed these two bills through Rep. Callegari’s office. The filed language was contradictory to the TSPS wording and subsequent discussions with GHBA corrected the contradictions, but by that time Rep. Callegari concluded that it was too late in the session and the bills died in committee.

I would expect this issue to continue at some point in the future.

Professional Services Procurement Act

Numerous attempts in the House of Representatives were made during the legislative session, through direct filed legislation and floor amendments to other legislation, to amend the Professional Services Procurement Act (Texas Government Code Section 2254) and create a cost based selection process (bidding) instead of the Quality Based Selection (QBS) process.

This was a situation where the TSPS Legislative Alert Program was successfully implemented. Numerous TSPS members responded to the email blast requesting personal contact with Representatives to state opposition to the changes to the QBS process. Our efforts, in conjunction with associated professions, led to success in maintaining the QBS process.

The efforts by members of the legislature to alter the QBS process are expected to resume during the 2011 Legislature.

SB 1201 (Sen. Carona) – (PASSED) – relating to an affidavit required to be filed in a cause of action against certain licensed or registered professionals

This bill revised the current Chapter 150, Civil Practice and Remedies Code, by adding Registered Landscape Architect to the included professionals and further defining the affidavit qualifications and process.

STATE AGENCIES

Office of the Texas Comptroller

TSPS continues a long initiative to clarify the Sales Tax Code as it applies to professional Surveying Services. While this has always been a cooperative effort between the Tax Policy Division and TSPS, it has and continues to be a lengthy process. This initiative is not to repeal the sales tax requirement on a segment of professional surveying services but to clarify the specific services that are taxable.

Recent meetings have changed the primary focus of the effort from defining what final services/products are taxable to what specific activities performed during the preparation of those final services/products are taxable.

A small working group, within the TSPS Governmental Affairs Committee, is developing this activities list for consideration by the Tax Policy Division.

The desired result, by both TSPS and the Tax Policy Division, of this effort will be a taxable services activity list understood by both surveyors and Comptroller audit personnel, which can be utilized by surveyors in their time accounting, invoicing and tax collection/payment processes and the Comptroller during an audit process.

Texas Board of Professional Land Surveying

As mentioned above, relative to HB 3114, TBPLS will be posting a proposed rule to determine, prior to November 1, 2009, the required number of CEU hours for the 2011 license renewal.

At the June 12, 2009 TBPLS meeting the Board discussed the possibility of passing a rule to make the CEU tracking process self auditing for each licensee. This would make it the responsibility of each licensee to maintain proof/records of acquired CEU hours from attendance at TBPLS approved courses. TBPLS would then enforce compliance through an annual random audit of 5% of the total number of licensees.

The Board also discussed possible changes to Rule 663.17(b) to further define what constitutes “sufficient” set or found monumentation.

The Board also stated that they intend to start “aggressively enforcing” Rule 663.18(a) “The registered professional land surveyor shall apply his/her seal to all documents representing professional surveying as defined in the Act” and further stated that this was in particular reference to surveyors preparing easement sketches for use by pipeline companies and releasing them as a work product without signature/seal.

The TSPS Governmental Affairs Committee appreciates all information, questions and comments from the entire membership.

Patrick A. Smith, RPLS

2009 TSPS High School Educators Retreat

Teaching Texas Educators About Land Surveying



Roger McDonald – TSPS University Advisory Committee Chair and Director of the Land Surveying & Mapping Technology Program at Lone Star College-Montgomery – passed out Certificates of Completion to Retreat attendees. Pictured are attendee Penny Cronan (Geometry Teacher - Willis High School), center, and Lone Star College's Tonya Britton.

In the Field: High School Educators Discover Land Surveying and Mapping Industry

By Steve Scheffler

Over 35 high school teachers and technical/career counselors from across Texas played the role of student this week during a three-day High School Educators Retreat, hosted by Lone Star College-Montgomery's land surveying and mapping technology program and the Texas Society of Professional Surveyors. The retreat, which took place June 16-18 at the LSC-Montgomery campus, gave participants an opportunity to learn more about the land surveying and mapping industry and the college's workforce program.

Land surveying professionals from throughout the state volunteered their time to share experiences and provide participants with hands-on demonstrations of the state-of-the-art equipment used in the profession. Educators were also provided ideas as to how to incorporate the information they've learned into programs that will better prepare their students for entering college-level surveying and mapping technology programs, such as the program at LSC-Montgomery.

See *IN THE FIELD*, Next Page



Bill Coleman, RPLS #4001, led a well-received presentation on the SkillsUSA program and its opportunities for students, educators and school districts.

Photos by
Stephen Matovich

Attendees Enthusiastic About Retreat

While TSPS members praised the course program, turnout and quality of this year's Educator's Retreat at Lone Star College-Montgomery, the best praise came from its attendees.

"I had several (attendees) come up to me and tell me that they'd been to a lot of seminars and continuing education, and this was the greatest thing they'd been to," said Roger McDonald. McDonald is the TSPS University Advisory Chair and serves as Director of the Land Surveying & Mapping Technology Program at Lone Star College-Montgomery.

"Talking with the teachers out there, it was obvious they were having fun. It was a new experience for them, and they were coming away with things they could use – practical stuff," McDonald said. With 16 hours of instruction offered, educators earned 1.6 CEUs by attending the Educators Retreat.

Many of the presentations made at the Retreat elicited tremendous feedback and inquiries, McDonald said. Some of those included: SkillsUSA, by Bill Coleman; Surveying in Texas, by Nedra Foster; the Keynote Address, by Brian Autio of British Petroleum; and Bud Thompson's Testimony of a Surveyor.

In addition to the new contacts made with the 38 educator attendees, McDonald said another 10 educators were put on a waiting list and did not attend the retreat. However, they will be contacted and invited to next year's Retreat, and communication with these educators will continue throughout the year.

"I think we've got a good database and good relationships," he said. "We'll be calling to see about talking to them and their students in the classrooms."

To learn more about the TSPS Educator's Retreat, contact University Advisory Chair Roger McDonald at roger.w.mcdonald@lonestar.edu.



This year's TSPS Educator's Retreat has 38 attendees at Lone Star College-Montgomery.

2009 Educator's Retreat SPONSORS

T Baker Smith
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TSPS Chapter 12
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Babcock Eagleton, Inc.
TSPS Chapter 18
TSPS Chapter 6
TSPS Chapter 5
The Short Course, Inc.
GeoSolutions
King Land Surveying

In The Field *Continued from page 6*

“The surveying and mapping program at LSC-Montgomery is a good one as it will help students of any age gain the skills they need to begin their career or move up the ranks,” said Stephen Matovich, director of surveying for The Woodlands Development Company. In spite of the current economic downturn, Matovich believes that there will continue to be increased demand for professionals in the field in the future.”

Matovich smiled as he wittingly explained that the surveying industry provides “a choice of fields” when it comes to specialization.

“Whether determining home, commercial, or utility locations, or mapping the bottom of an ocean or lake, there are a lot of specialties in this industry,” said Matovich. “Most government entities, as well as forest and military departments have a need for surveyors.”

Participants in the retreat receive CEUs for their profession, portable GPS units to use in their classrooms, examples of lesson plans for educational activities, and a \$150 stipend.

The land surveying and mapping technology program at LSC-Montgomery prepares students to enter a high-tech profession that uses state-of-the-art equipment to determine the exact location and measurement of points, lines, and contours of the earth's surface as a land surveying technician. Students entering the program may earn a workforce skills certificate or an associate of applied science degree. Currently, LSC-Montgomery has three articulated programs through the LSC-University Center that enable a smooth transition for students wishing to go on to earn a bachelor's degree in the field.

For more information about the land surveying and mapping program at LSC-Montgomery, contact Roger McDonald, program director, at roger.mcdonald@lonestar.edu or (936) 271-6179.



(left photo) Ron Hauck (right), RPLS #5343, helped lead educators through land surveying field exercises at Lone Star College-Montgomery.

(below photo) Retreat attendees each received GPS units, donated by the generous contributions of Retreat sponsors (see sponsor list above).

TSPS Gulf Coast Chapter 9 President Mike Hoover (right), RPLS #5423, was just one of many local chapter leaders and volunteers at the 2009 Educator's Retreat.



Enjoying lunch together are Educator's Retreat attendees (from left) Amy Arel and Karen Frazee, both of The Woodlands High School.

High School Junior Nathan Persons Passes CST Exam

Duncanville High School's SkillsUSA program has produced another first in Texas ... and likely the nation.

Last school year, junior Nathan Persons passed the Level 1 Certified Survey Technician exam administered at North Lake College in Irving. Persons was enrolled in the Duncanville HS SkillsUSA, in the Pre-Engineering program. He was also a member of the school's survey team that placed first at the statewide SkillsUSA competition in April in Corpus Christi.

A first-ever accomplishment? National CST officials seem unsure at this point, according to NSPS/ACSM Liaison Pat Smith. Data collected by the national office from exam applicants often contains nothing more than a name ... no age or education status.



John Pierce, who has been active for Dallas Chapter 5 and its efforts to establish SkillsUSA programs in area schools, is 99% sure this is a first-ever accomplishment.

"Since Texas is one of the few states pushing SkillsUSA, Nathan Persons is probably the first high school student to pass CST Level 1," he said. "And with him being just a junior when he did it, he is probably the youngest too."

We'll keep you posted when verification is made.

To learn more about the SkillsUSA program and how to present it to your local school, contact TSPS SkillsUSA Committee Chair James Redmon at james@chapsurvey.com. For more on the Certified Survey Technician program, contact TSPS CST Chair Joe Webber at joe.webber@acom.com.



2009 TSPS Board Meetings

August 27-30

Strategic Planning & Third Board Meeting

Hilton Airport Hotel

9515 Hotel Drive

Austin, TX 78719

512-385-6767

Rm Rate – \$109

October 22-24

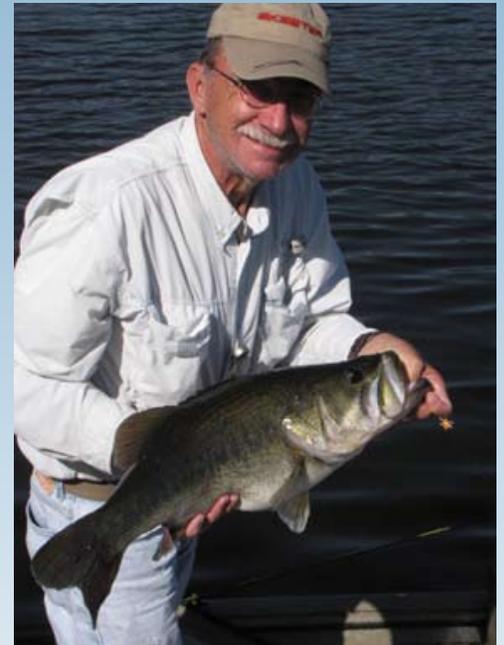
TSPS Convention & Technology Exposition

Renaissance Hotel

9721 Arboretum Blvd.

Austin, TX 78759

Rm – \$155



Bob Cummings

Chapter 5 President Hooks Record Bass

TSPS Chapter 5 President Bob Cummings, RPLS #4060, of Sachse set a new Texas fly rod record for largemouth bass caught in private waters. His trophy bass, landed May 31, came in at 8.69 lbs. and was 25.2 inches long.

That catch was much larger than the previous fly rod old record of 5.93 lbs.

The biggest bass documented as being caught on a fly rod in Texas was a 14.14 pounder caught in October 2000 from the stilling basin below Lake Meredith.



UNIVERSITY OF HOUSTON

ENGINEERING TECHNOLOGY DEPARTMENT

Surveying Engineering

Proposed Fall Semester 2009 Class Schedule

<u>SUBJECT</u>	<u>LECTURE</u>		<u>LAB</u>	
	<u>DAYS</u>	<u>TIME</u>	<u>DAYS</u>	<u>TIME</u>
<u>SURY 2361</u> Surveying I	Wed.	3:00-5:00 p.m.	Fri. Fri.	9:00-12:00 noon 1:00-4:00 p.m.
<u>SURY 3462</u> Surveying II	Tues & Thurs	7:00-8:30 p.m.	Sat.	9:00-12:00 noon
<u>SURY 4397</u> GIS	Mon. & Wed.	4:00-5:30 p.m.		
<u>SURY 4361</u> Surveying Practicum	TBA	TBA		
<u>CNST 4265</u> Site Development	Tue.	3:00-5:00 p.m.		
<u>SURY 4364</u> Surveying IV	TBA	TBA		
<u>SURY 4363</u> Legal Aspect of Surveying	Tue.& Thur.	7:30-9:00 p.m.		
<u>SURY 4398</u> Special Problems	TBA	TBA		

Learn more about the University of Houston Surveying Engineering Department by clicking

[HERE](#)

Coming Events

JULY

July
24-25

CSI (Corner Site Investigation) Forensics of Surveying (Saturday 25th)
Sponsored by TSPS Permian Basin Chapter 10 and Llano Estacado Chapter (NMPS)
Instructor: John "Steve" Parrish, PLS
Inn of the Mountain Gods Resort & Casino
Ruidoso, New Mexico
8 CEUs (TBPLS)
NMPS/TSPS Golf Tournament at Cree Meadows Golf Course (Friday 24th)
CLICK HERE for more information.

July
26-31

Surveying II - The Advanced Course
Hosted by Texas A&M University-Corpus Christi
Instructors: Mark Kouwe, Dr. Stacey Lyle, David Pyle, Bill Wedelich and Keith McNease
Texas A&M University - Corpus Christi campus
Corpus Christi, Texas
16 CEUs available
For more information, click [HERE](#).

AUGUST

August
8

CST Exam
Coleman & Associates - Denton, Texas
Exam location - TBD. Contact Sharon Coleman, 940-565-8215. Application deadline through TSPS office is **JUNE 29**

August
27-30

Strategic Planning & Third Quarterly Board Meeting
Hilton Airport Hotel
9515 Hotel Drive
Austin, TX 78719

512-385-6767
Rm Rate - \$109

SEPTEMBER

September
10-12

Locating Original Corners Seminar
Concan, Texas
16 CEUs

OCTOBER

October
22-24

58th TSPS Convention & Technology Exposition
Renaissance Hotel
9721 Arboretum Blvd.
Austin, TX 78759
Rm Rate - \$155

DECEMBER

December
5

GNSS, Geodesy & Map Projections for Texas Land Surveyors Seminar
Instructor: Jim Gillis
DoubleTree Hotel - Intercontinental Airport
Houston, Texas
\$190 - Members
\$290 - Non-Members
8 CEUs

December
5

Last Minute CEUs (Course To Be Determined)
DoubleTree Hotel - Campbell Center
Dallas, Texas
\$190 - Members
\$290 - Non-Members
8 CEUs

The Wise Owl

1. To increase the heart rate of your husband, tell him you're pregnant.
2. To avoid spotting wrinkles every time you look in a mirror, take of your glasses.
3. To avoid losing your car. Use valet parking. They don't forget where they parked it.
4. It's not short term memory storage that is the problem, it's retrieving that's the problem.
5. As we age we sleep more soundly ... in the afternoon.
6. The best place for older folks to look for fashionable glasses is on their foreheads.
7. You know you're old when you enter an antique store and remember throwing away all the stuff that is on their shelves.
8. Life isn't about surviving the storm, it's about dancing in the rain.
9. Any twit can handle a crisis. It's the little things that knock you down.
10. We went out to eat on our anniversary. When we returned home there was a note from our college-age children and the dining table was set with china, crystal and candles. The note read "Your dessert is in the refrigerator. We are staying with friends so go ahead and do something we wouldn't do!" I said to my wife "I suppose we could vacuum".



Classified Ads

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RPLS - DALLAS

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LAND SURVEYORS

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MOTIVATED PROFESSIONAL LAND SURVEYOR

Oil & Gas Pipeline exp. pref.; NE TX, NW LA

Resume: HR Dept., P.O. Box 488, Scottsville, TX 75688

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- License fees covered

Great Southwestern Land Surveyors is a Fort Worth area firm and is currently focusing on oil and gas industry services, public works, transportation, Corps of Engineers, land and site development for commercial/residential purposes.

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