



MEMORANDUM

TO: Members
Texas Sunset Advisory Commission

FROM: Texas Society of Professional Surveyors

RE: **TSPS Comments in Response to the Sunset Advisory Commission's Decision Material Regarding the Texas Board of Professional Land Surveying**

DATE: January 7, 2019

The Texas Society of Professional Surveyors (*TSPS*) is a professional association with more than 1,600 members who are Registered Professional Land Surveyors licensed and regulated by the Texas Board of Professional Land Surveying (*TBPLS*). The mission of *TSPS* is to aid and contribute to the education of its members and the general public in attaining high surveying standards, both technical and ethical. Accordingly, we offer the following comments in response to the Sunset Advisory Commission's Decision Material regarding the Texas State Board of Professional Surveying.

Issue 1

The Texas Board of Professional Engineers Could More Effectively Regulate Land Surveying.

Change in Statute

Rec. 1.1

Consolidate the Texas Board of Professional Land Surveying with the Texas Board of Professional Engineers, creating the Texas Board of Professional Engineers and Land Surveyors.

TSPS strongly agrees with the Sunset Staff's finding that Texas has a clear, ongoing need to regulate the practice of land surveying. **However, *TSPS* is strongly opposed to**

Staff's recommendation that TBPLS be consolidated with the Texas Board of Professional Engineers.

The mission of the TBPLS is to establish and enforce standards ensuring the competency of individuals licensed as land surveyors resulting in the orderly use of our physical environment for the protection of our citizens, the current and future property owners of Texas. The Board's objective is to regulate the land surveying profession through the licensure of competent individuals selected through an examination process and maintaining proficiency through continuing education requirements. The key functions of the Board are examination, licensing and enforcement.

The continuation of TBPLS as an independent licensing agency which is functional and vital in carrying out its duties of oversight, rule review/development, regulation, and enforcement of the surveying profession is essential in order to maintain the necessary level of protection for the health, safety, and welfare of the citizens of Texas.

There is no other agency, state or federal, whose functions overlap or duplicate those of the TBPLS. How land boundaries are laid out in Texas is unique from how boundaries are laid out in other states. Considering the uniqueness of the profession, and the fact that there is no duplication with other agencies, the functions are placed appropriately in this stand-alone agency as opposed to under another agency or an umbrella agency.

Therefore, TSPS strongly supports Senator Nichols' Proposed Modification which is as follows:

Senator Nichols Proposed Modification

In lieu of Recommendation 1.1, continue the Texas Board of Professional Land Surveying for six years until 2025. The Sunset Commission staff shall limit the review of the agency to the effectiveness of recommendations made by the Sunset Commission to the 86th Legislature, including consideration of whether enforcement actions adequately protect the public and if complaints are investigated and resolved within a reasonable timeframe. The Sunset Commission's recommendations to the 89th Legislature may include any other recommendations it considers appropriate.

Additionally, TSPS has analyzed the Sunset Commission Staff Report and the TBPLS Response. TSPS acknowledges the deficiencies/concerns regarding the TBPLS and its current operations as noted by Staff. Fortunately, however, the Sunset Staff and the TBPLS have given us a plan which will allow the TBPLS Board members to remedy these problems over the short term within the small agency setting.

Therefore, TSPS strongly supports Senator Nichols' Proposed New Recommendations 1, 2, and 3 which require board member training, written quarterly reports regarding implementation of Sunset Commission

recommendations and performance information, and agency review and update of its policies and processes for performance measure and financial data reporting.

Based upon the foregoing, TSPS respectfully requests that the Members of the Sunset Advisory Commission support the TBPLS by voting to adopt Senator Nichols' Proposed Modification and Proposed New Recommendations 1, 2, and 3 which will continue the TBPLS in existence as an independent licensing agency for another 6 years which is necessary for the health, safety, and welfare of the citizens of Texas.

Thank you for giving us the opportunity present these comments for your consideration. Please let one of us know if you have questions or require additional information at this time.

Sincerely,



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