



## MEMORANDUM

**TO:** Members  
Texas Sunset Advisory Commission

**FROM:** Texas Society of Professional Surveyors

**RE:** **TSPS Comments in Response to the Sunset Advisory Commission Staff Report Regarding the Texas Board of Professional Land Surveying**

**DATE:** December 11, 2018

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 Staff Report regarding the Texas State Board of Professional Surveying.

### Issue 1

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

*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.

## **Issue 2**

### **Key Elements of the Agency's Licensing and Enforcement Functions Do Not Conform to Common Standards.**

On November 26, 2018, the TBPLS issued its response to the Sunset Advisory Committee Staff Report. The full TBPLS Response is available at <http://txls.texas.gov/wp-content/uploads/2018/11/TBPLS-Response.pdf>. In its Response, TBPLS provided a detailed corrective action plan designed to address and remedy the deficiencies/concerns noted by the Sunset Staff as enumerated in issues 1 and 2 regarding the enforcement process; reliable performance data; budgetary management; licensure requirements; the license and registration renewal process; examination development, administration and board member involvement; enforcement policies; practice standards; confidentiality; and transparency. As noted in the TBPLS Response, many of these administrative changes/corrections could be implemented immediately, with the exception of those that require statutory change.

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 supports Change in Statute 2.2, 2.3, 2.4, and 2.5 and Management Action 2.6, 2.7, 2.8, and 2.9 as recommended by the Sunset Staff for the reasons enumerated in the Staff Report.**

**However, TSPS is opposed to Change in Statute 2.1 as recommended by the Sunset Staff which would remove the current Texas residency requirement to become a licensed state land surveyor.** This requirement is important to the integrity of the work that is being performed for the Commissioner of the Texas General Land Office. A Texas resident would be a more interested party when providing these services as opposed to a licensee who lives outside the state. Also, according to Section 1071.355, Occupations Code, an LSLS is considered an agent of the State of Texas while working in this capacity. Clearly, state law should require that an individual who is an agent of the state be a resident of the State of Texas. Finally, the TBPLS is not attempting to license an abundance of state land surveyors, but only to license qualified individuals willing to provide their expertise for the State of Texas.

**Based upon the foregoing, TSPS respectfully requests that the Members of the Sunset Advisory Commission support the TBPLS by voting to continue it in existence as an independent licensing agency for another 12 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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