



MEMORANDUM

TO: Members
Senate Business and Commerce Committee

FROM: Texas Society of Professional Surveyors

RE: **TSPS Comments Regarding HB 1523 by Nevarez Relating to the Continuation of the Regulation of Land Surveyors**

DATE: April 18, 2019

Texas Society of Professional Surveyors – 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 regarding HB 1523 by Nevarez, the Texas Board of Professional Land Surveying Sunset Bill.

HB 1523 by Nevarez – *TSPS* supports HB 1523 as approved by the Sunset Advisory Commission and introduced in the House. This legislation consolidates the *TBPLS* and the Texas Board of Professional Engineers to create the Texas Board of Professional Engineers and Land Surveyors. Per HB 1523, the new combined Board will include 5 engineers, 1 land surveyor, and 3 members who represent the public. The bill was considered on the House Floor last week and has now been referred to the Senate Business and Commerce Committee.

HB 1523 As It Passed the House – As you may know, two (2) amendments to HB 1523 were adopted by the House. One offered by Representative Ashby amends SECTION 1.25 of the bill to require the formation of an advisory committee composed of five land surveyors with the provision that the full board “*may not adopt a rule related to the scope of practice of, the professional or technical standards for, or the standards of conduct and ethics for land surveyors before considering advice and recommendations of the advisory committee.*” ***TSPS* supports this amendment.** However, the second amendment

offered by Representative Geren added SECTION 1.52 of the bill which decreases the minimum educational requirements for an applicant for registration as a Registered Professional Land Surveyor. Specifically, the bachelor's degree as required by current law is decreased to an associate degree and the required number of semester hours in relevant courses is decreased by 50% from 32 semester hours to 16 semester hours. **TSPS strongly opposes this amendment for the following reasons.**

- **Sunset Advisory Commission Staff Report With Commission Decisions –** The Texas Sunset Advisory Commission conducted a thorough review and found that the profession's current *"statute and rules protect consumers by ensuring the competence of individuals who provide land surveying services, and that these individuals follow established standards and requirements to maintain a license."* The Sunset decision does not recommend lowering the educational requirements, but instead lists them as one of the important elements of public protection. The educational change included in the Geren House floor amendment was proposed and passed with no debate, public testimony or stakeholder input and is contrary to the Sunset Commission's findings.
- **The Texas Surveying Profession –** Registered Professional Land Surveyors have played an important role in the development of Texas from the time it was part of Spain and Mexico, through the years following independence, and statehood, to modern time. Today, the surveying profession provides important services to the financial and real estate industries in transactions relating to development, residential and commercial property sales, oil and natural gas production and its transmission. The profession provides services for the design and construction of pipelines, public works, telecommunication facilities, electric delivery and transmission, renewal energy, and transportation. For example, virtually all commercial real estate transactions and the design and construction of oil and gas infrastructure created across the entire state require that a survey be performed at a TBPLS regulated level of accuracy to comply with standards necessary for the protection of the health, safety and welfare of Texas citizens. This work can only be performed by a Registered Professional Land Surveyor (RPLS) licensed in Texas. Clearly, the complexity of the land surveying profession requires a level of competency in a multidiscipline industry that includes a broad education in civil engineering, history, mathematics, technology, the law, surveying fundamentals, and the like. Accordingly, a four-year bachelor's degree with certain required courses is essential in order to assure the level of competency necessary to protect the public. A two-year associate degree is simply not sufficient.
- **The National Council of Examiners for Engineering and Surveying (NCEES)** – The NCEES is a national nonprofit organization dedicated to advancing professional licensure for engineers and surveyors. NCEES develops, administers, and scores the examinations used for engineering and surveying licensure in the United States. Accordingly, it is important to note that The NCEES has endorsed and promotes a Model Law for surveyors which requires a four-year degree from an accredited program in order to protect the public by ensuring

quality control of candidates for licensure and a broad education in the technical, legal, business, and general components of surveying fundamentals.

- **Reduced Disciplinary Action** – Additionally, the NCEES reports that strong evidence is developing that a four-year degree requirement leads to reduced disciplinary action. This is public protection. A generally educated person maintains more-confident communication with clients and associated professionalism, leading to fewer complaints. Also, these graduates are better prepared for good business practices and ethical conduct.
- **Increased Pass Ratio** – The State of Texas has realized an increase in the examination pass ratio for licensure as a Registered Professional Land Surveyor from 10-15% to over 50% after the implementation of the four-year degree requirement in January, 2003.
- **Four-Year Degree Programs in Land Surveying** – There are two Universities in the State of Texas that offer a four-year degree program in land surveying which were created in response to the 2003 increased educational requirements for land surveying licensure; Texas A&M University – Corpus Christi and the University of Texas at Tyler. It is our understanding that both of these Universities support the four-year degree requirement. Additionally, it is our understanding that the consensus in the higher education community is that graduates from a two-year associate program simply do not have the preparation to tackle land surveying and related fields because they have not had either the technical or legal training required.

Proposed Revision Requested by TSPS – Therefore, TSPS respectfully requests that the Committee (1) revise HB 1523 as it passed the House by deleting SECTION 1.52 (the Geren Amendment) and then (2) vote for HB 1523 as so revised. For the reasons stated above, this proposed revision is necessary in order to protect the health, safety, and welfare of the citizens of Texas.

Please let us know if you have questions or require additional information. Thank you for your consideration.



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