

- SUBJECT:** Regulation of professional land surveyors
- COMMITTEE:** Licensing and Administrative Procedures — committee substitute recommended
- VOTE:** 8 ayes — Wilson, Yarbrough, Flores, Goolsby, Haggerty, J. Moreno, Palmer, A. Reyna
- 0 nays
- 1 absent — D. Jones
- WITNESSES:** (*On original bill:*)  
For — Mark J. Hanna and Patrick A. Smith, Texas Society of Professional Surveyors
- Against — Alan Upchurch, City of Plano
- BACKGROUND:** The Texas Board of Professional Land Surveying regulates the practice of land surveying under the Professional Land Surveying Practices Act (art. 5282c, VTCS).
- Complaints against land surveyors and information revealed through investigations of those complaints are available to the public through the Public Information (Open Records) Act, Government Code, chapter 552. No provisions exist for expunging complaints from the file of a land surveyor who is the subject of a complaint if the board determines that no violation occurred.
- The current law does not specifically give the board regulatory authority over registered or licensed surveyors who perform mapping services. The board cannot restrict competitive bidding or advertising except to prohibit false, misleading, or deceptive practices. No exception exists in the current law for the board's adoption of existing state law that governs the procurement of land surveying services by governmental entities.
- The application fee for land surveying certifications, registrations, or licenses may not exceed \$100, nor may an examination fee exceed \$100, according to

the statute. This provision is superseded by Government Code, sec. 316.043, which suspends all statutory fees to the extent that they conflict with the fees specified in the general appropriations act. The current general appropriations act sets an examination fee of \$125 for registered professional surveyors.

**DIGEST:**

CSHB 1328 would exempt complaints and information revealed by investigations of those complaints from disclosure under the open records law. The board would have to expunge complaints from a land surveyor's file if the board determined that the land surveyor had not committed a violation.

The bill explicitly would place registered or licensed land surveyors performing mapping services under the regulation of the board. It also would require the board to prescribe standards for compliance with the Professional Services Procurement Act, which governs procurement contracts by governmental entities.

CSHB 1328 would delete the current \$100 limit on application fees and would allow the board to determine the fee. The fee amount still would be controlled by the amount specified in the general appropriations act.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house.

**SUPPORTERS  
SAY:**

Complaints and information revealed in investigations of land surveyors should not be available to the public through the open records law. The reputation and profession of a surveyor could be destroyed by completely unsubstantiated complaints or even complaints that have been proven false. The board's investigative records should be confidential. The penalties imposed by the board against surveyors who violate the law protect consumers from the few unscrupulous surveyors.

The board should regulate registered and licensed surveyors who perform mapping services. The committee substitute would limit this provision to mapping services performed by registered or licensed surveyors rather than all mapping services. This change addressed the concerns of some cities that feared that mapping services would be available only from registered or licensed surveyors. CSHB 1328 would not restrict mapping services by nonsurveyors.

The \$100 limit on fees in the statute should be removed to avoid confusion, since the fee actually is set in the general appropriations act.

OPPONENTS  
SAY:

Complaints and information from investigations by the Board of Professional Land Surveying should be available to the public like the disciplinary and investigative files of other state agencies. Files available to the public would show the status of a complaint against a surveyor and whether the surveyor was found to have violated any rules. Public access to investigative documents makes the board more accountable for its regulatory actions. The board may ask for an opinion from the attorney general if the information that is sought falls into an existing category of confidential information such as agency memoranda, litigation matters, law enforcement investigations, or third-party privacy issues.

NOTES:

The committee substitute would regulate only registered or licensed surveyors who perform mapping services. The substitute also removed provisions of the original bill that would have changed the continuing education requirement and provisions for volunteer investigators.