

## **BILL ANALYSIS**

C.S.H.B. 1523  
By: Nevárez  
Licensing & Administrative Procedures  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

While Texas has a clear, ongoing need to regulate the practice of land surveying, the Sunset Advisory Commission found the Texas Board of Professional Land Surveying has failed to meet its fundamental duties and responsibilities. C.S.H.B. 1523 seeks to provide for the continued regulation of land surveying alongside the regulation of professional engineering under the consolidated Texas Board of Professional Engineers and Land Surveyors with related statutory modifications.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Board of Professional Engineers and Land Surveyors in SECTIONS 1.15 and 1.53 of this bill.

### **ANALYSIS**

C.S.H.B. 1523 provides for the consolidation of the Texas Board of Professional Engineers and the Texas Board of Professional Land Surveying by transferring the responsibility to regulate land surveying to the Texas Board of Professional Engineers, by abolishing the Texas Board of Professional Land Surveying on September 1, 2020, and by amending the Occupations Code to establish the consolidated Texas Board of Professional Engineers and Land Surveyors.

C.S.H.B. 1523 revises and updates provisions applicable to the respective boards to reflect that consolidation. The bill makes the following revisions and updates with respect to the consolidated board:

- clarifies that the consolidated board is subject to abolishment under the Texas Sunset Act and is set to be abolished on September 1, 2025;
- revises the board's membership to include one land surveyor and provides for the transition to the revised membership;
- revises the eligibility requirements to serve as a public board member;
- provides that the commissioner of the General Land Office (GLO) or a licensed state land surveyor employee of the GLO serves as an ex officio, nonvoting board member;
- clarifies that the commissioner of the GLO is not entitled to receive a per diem for engaging in board business;
- revises the training required for board members to include the provision of information regarding the Professional Land Surveying Practices Act and makes the revised training

requirements applicable to board members appointed before, on, or after the bill's effective date; and

- provides for the transition to the new training requirements for sitting board members who have completed the existing training required before the bill's effective date and prohibits a board member from voting, deliberating, or being counted as a member in attendance at a meeting held on or after September 1, 2020, until the member completes the additional training.

C.S.H.B. 1523 requires the consolidated board to appoint an advisory committee to provide advice and recommendations to the board on any matter relevant to the administration of state law applicable to the regulation of professional engineers and land surveyors. The bill authorizes the consolidated board to adopt, recognize, develop, or contract for an examination required by such laws, including the administration of the examination.

C.S.H.B. 1523 repeals a provision that prohibits the issuance of a state land surveyor license to a person residing outside of Texas. The bill requires the consolidated board by rule to provide that each certificate of registration or license under the Professional Land Surveying Practices Act is valid for a term of one year or two years and to provide for the renewal of the certificate or license.

C.S.H.B. 1523 provides for the following:

- the transfer of all obligations, property, rights, powers, and duties of the Texas Board of Professional Land Surveying, including its unexpended appropriations, to the consolidated board;
- the continuance of existing Texas Board of Professional Land Surveying rules as rules of the consolidated board;
- the continuance of professional authorizations issued by the existing Texas Board of Professional Land Surveying and pending applications for those authorizations; and
- the continuance of pending existing Texas Board of Professional Land Surveying proceedings.

C.S.H.B. 1523 amends the Civil Practice and Remedies Code, Government Code, Health and Safety Code, Insurance Code, Natural Resources Code, Occupations Code, Transportation Code, and Water Code to make conforming changes.

C.S.H.B. 1523 repeals the following provisions of the Occupations Code:

- Section 1071.003
- Subchapter B, Chapter 1071
- Subchapter C, Chapter 1071
- Subchapter D, Chapter 1071
- Subchapter E, Chapter 1071
- Section 1071.255(c)
- Section 1071.257
- Section 1071.258
- Section 1071.263
- Section 1071.302
- Section 1071.303

- Sections 1071.402(b), (c), (d), (e), (f), and (g)
- Subchapter J, Chapter 1071
- Section 1071.501
- Section 1071.502
- Subchapter L, Chapter 1071

**EFFECTIVE DATE**

September 1, 2019.

**COMPARISON OF ORIGINAL AND SUBSTITUTE**

While C.S.H.B. 1523 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute changes the authorization for the consolidated board to appoint an advisory committee to a requirement.