

BILL ANALYSIS

H.B. 2179
By: Cook, Byron
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The practice of professional surveying is regulated by the Professional Land Surveying Practices Act, Chapter 1071, Occupations Code. The Act defines “professional surveying” as the practice of land, boundary, or property surveying or other similar professional practices. Additionally, the Act identifies specific activities, such as mapping and providing expert testimony, which are included in the definition of professional surveying. Surveyors routinely acquire survey data and prepare technical reports in connection with other surveying activities. However, the acquisition of survey data and the preparation of technical reports are not specifically identified as the practice of professional surveying in the Act.

As a result, it is unclear as to whether or not the Texas Board of Professional Land Surveying has the authority to regulate the acquisition of survey data and the preparation of technical reports when performed by a registered professional land surveyor in connection with property surveying or other similar professional practices.

H.B. 2179 will amend the Texas Professional Land Surveying Practices Act so as to clarify that the practice of “professional surveying” includes the acquisition of survey data and the preparation of technical reports when performed in connection with other regulated acts. This will enable the Texas Board of Professional Land Surveying to regulate these activities as necessary to protect the public.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Section 1071.002 (6), Occupations Code, by redefining "Professional surveying" to include acquiring survey data, preparing technical reports, and mapping to the extent those acts are in connection with acts described by the subdivision, rather than paragraph (A).

SECTION 2. Effective date: Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

EFFECTIVE DATE

Immediately, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.