

BILL ANALYSIS

H.B. 1411
By: Jones
Licensing & Administrative Procedures
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In Texas, land surveyors are regulated by the Texas Board of Professional Land Surveying. Under current law, a frivolous complaint against a registered professional land surveyor is public information, except the license holder's name and other personal information are redacted.

A similar provision applied to licensed engineers until 2005, when the 79th Legislature, Regular Session, amended the Texas Engineering Practice Act to make confidential any complaint against a licensed engineer that was determined to be frivolous or without merit. Land surveyors and engineers often work for the same firm, but complaints against them currently are handled differently under Texas law.

H.B. 1411 makes confidential a complaint filed with the Texas Board of Professional Land Surveying that is determined to be frivolous or without merit and other enforcement case information relating to the complaint.

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

H.B. 1411 amends the Occupations Code to provide that the complaint and other enforcement case information related to a complaint filed with the Texas Board of Professional Land Surveying and determined to be frivolous or without merit are confidential and not subject to discovery, subpoena, or other disclosure. The bill authorizes the information to be used only by the board or by its employees or agents directly involved in the enforcement process for that complaint. The bill removes language specifying that a frivolous complaint is public information, except that the license holder's name and other personal information shall be redacted.

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.