

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1259
By: Nichols
Business & Commerce
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under current statute, land surveyors in Texas may not operate as a surveyor-in-training unless they have passed the fundamentals of surveying exam (FS exam) administered by the National Council of Examiners for Engineering and Surveying (NCEES). The state currently requires applicants to first submit an application to the Texas Board of Professional Engineers and Land Surveyors (TBPELS) for approval before they can register with NCEES and schedule an exam.

S.B. 1259 would allow future applicants to take the FS exam without getting prior authorization from TBPELS. Upon passage of the exam, the applicant would receive a surveyor-in-training certificate as long as the applicant meets all other requirements. This bill would require that the Texas-specific survey examination be administered once an applicant applies for full licensure as a registered professional land surveyor. This bill will reduce administrative work in the licensure process and will assist in recruiting and retaining surveyors.

Additionally, this bill authorizes TBPELS to issue advisory opinions related to the Land Surveyors Act, matching existing TBPELS authority on engineering-related matters. This bill also codifies the existing rule that land surveyors pass both the NCEES principles and practices of professional land surveying exam and the Texas state surveying exam, which was a recommendation under the 2019 Sunset Review of the Texas Board of Professional Land Surveyors prior to its merger into TBPELS.

(Original Author's/Sponsor's Statement of Intent)

C.S.S.B. 1259 amends current law relating to the regulation of land surveyors by the Texas Board of Professional Engineers and Land Surveyors.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Board of Professional Engineers and Land Surveyors in SECTION 5 (Section 1071.256, Occupations Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1001.216, Occupations Code, by adding Subsections (a-1) and (a-2), as follows:

(a-1) Authorizes the advisory committee appointed under Subsection (a) (relating to requiring the Texas Board of Professional Engineers and Land Surveyors (TBPELS) to appoint an advisory committee), on its own initiative or at the request of any interested person, to prepare a written report or recommendation to TBPELS on any surveying-related subject regulated by TBPELS.

(a-2) Requires the advisory committee appointed under Subsection (a) to maintain a written public record of each subject discussed and action taken at the committee's meetings.

SECTION 2. Amends Section 1001.601(a), Occupations Code, to require TBPELS, on its own initiative or at the request of any interested person, to prepare a written advisory opinion about

an interpretation of Chapter 1001 (Texas Board of Professional Engineers and Land Surveyors) or Chapter 1071 (Land Surveyors) or the application of this chapter or Chapter 1071 to a person in regard to a specified existing or hypothetical factual situation.

SECTION 3. Amends Sections 1071.253(a) and (c), Occupations Code, as follows:

(a) Makes nonsubstantive changes to this subsection.

(c) Requires TBPELS, on proof that an applicant meets the qualifications prescribed by Subsection (a) (relating to requiring an applicant for a surveyor-in-training certificate to meet certain requirements) and has passed the fundamentals of surveying examination prescribed by TBPELS under Section 1071.256 (Examination), to issue a surveyor-in-training certificate to the applicant. Deletes existing text requiring TBPELS to issue a surveyor-in-training certificate to an applicant who passes the applicable parts of the examination taken under Subsection (b) (relating to requiring TBPELS to allow the applicant to take an examination under certain circumstances).

SECTION 4. Amends Sections 1071.254(a) and (b), Occupations Code, as follows:

(a) Requires an applicant for registration as a registered professional land surveyor to meet certain requirements, including having passed the principles and practice of surveying examination prescribed by TBPELS under Section 1071.256. Makes nonsubstantive changes.

(b) Entitles an applicant to registration as a registered professional land surveyor if the applicant meets the qualifications prescribed by Subsection (a) and is approved to take and passes the required sections of the Texas specific surveying examination prescribed under Section 1071.256.

SECTION 5. Amends Section 1071.256, Occupations Code, by adding Subsections (a-1) and (b-1) and amending Subsection (b), as follows:

(a-1) Requires TBPELS by rule to prescribe the fundamentals of surveying examination required for an applicant for certification as a surveyor-in-training under Section 1071.253 (Surveyor-in-Training Certificate).

(b) Requires TBPELS by rule to prescribe the principles and practice of surveying examination required for an applicant for registration as a registered professional land surveyor under Section 1071.254 (Qualifications for Registration as Registered Professional Land Surveyor) to determine the knowledge and ability of the applicant. Deletes existing text requiring that the examination for an applicant for registration as a registered professional land surveyor be developed and given as provided by this chapter under TBPELS rules designed to determine the knowledge and ability of the applicant.

(b-1) Requires TBPELS by rule to prescribe the Texas specific surveying examination required for an applicant for registration as a registered professional land surveyor under Section 1071.254.

SECTION 6. Repealer: Section 1071.253(b) (relating to requiring TBPELS to allow the applicant to take an examination under certain circumstances), Occupations Code.

SECTION 7. Requires TBPELS, as soon as practicable after the effective date of this Act, to adopt the rules necessary to implement the changes in law made by this Act.

SECTION 8. Makes application of Sections 1071.253 and 1071.254, Occupations Code, as amended by this Act, prospective.

SECTION 9. Effective date: September 1, 2025.