

SUBJECT: Allowing reduced licensing fees for land surveyors age 65 and older.

COMMITTEE: Licensing and Administrative Procedures — favorable, without amendment

VOTE: 7 ayes — Flores, Chisum, Goolsby, Hamilton, Homer, Morrison, Quintanilla

0 nays

2 absent — Geren, D. Jones

WITNESSES: None

BACKGROUND: Occupations Code, ch. 1071, the Professional Land Surveying Practices Act, provides rules for the registration, licensing, and certification of professional land surveyors, including requirements for continuing education, examinations, and payment of fees.

Sec. 1071.1526 authorizes the Texas Board of Professional Land Surveying to set fees in amounts reasonable and necessary to cover the costs of administering the Act. An active surveyor must pay a fee, currently set at \$350, and meet continuing education requirements to renew a license. A surveyor may request inactive status, during which the surveyor may not practice surveying and is not required to earn continuing education credit but must pay a renewal fee, currently \$37.

In an opinion (GA-0239) issued on August 24, 2004, the attorney general determined that the Board of Professional Land Surveying did not have authority to establish a "retired status" for registrants over the age of 65 and did not have authority to set reduced renewal fees for those individuals. The opinion said an agency must look to the Legislature for authority to create a new category of license.

DIGEST: HB 207 would amend Occupations Code, ch. 1071, subch. D by adding sec. 1071.1527 to allow the Texas Board of Professional Land Surveying to adopt reduced certificate of registration, license fees and annual renewal fees for land surveyors who are at least 65 years old.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2005.

**SUPPORTERS
SAY:**

Another regulatory board, the Texas Board of Professional Engineers, allows reduced renewal fees for professional engineers age 65 and older. Many professional surveyors also are professional engineers, so it would be appropriate and consistent to create the same category for surveyors that already exists for engineers.

Many land surveyors who are age 65 and older consider themselves retired but would like to be able to conduct occasional projects under the aegis of the act. These people should be able to pay reduced fees to keep their licenses active.

HB 207 would specify only that the Texas Board of Professional Land Surveying could reduce the certificate of registration and license fees – the bill would not require the reduction and would leave the decision up to those familiar with the profession. If the board did reduce the fees for those 65 and older, and if the board later decided that because of budgetary or other financial reasons the fees needed to be increased, the board would have authority to do that.

**OPPONENTS
SAY:**

All practicing land surveyors should pay the full rate for license fees and certificates of registration. If someone is practicing and deriving an income from holding a license, that person should pay the fee. Any reduction of fees should be for recently licensed land surveyors in order to help them get started in the business. There is no reason why someone established in the business for 30 years or more should pay lower fees.

Land Surveying is a "graying profession," with more surveyors closer to age 65 than to 30. If HB 207 is enacted, less revenue would be generated by fees in future years as more professionals reached age 65. A smaller revenue stream would result in less money being appropriated to the Texas Board of Professional Land Surveying. The fiscal note for this bill indicates that the net negative impact per year to general revenue-related funds and to all funds would increase progressively through 2010.

NOTES:

According to the fiscal note, HB 207 would have an estimated two-year negative net impact to general revenue-related funds of \$230,260 in fiscal 2006-07 and \$278,690 in fiscal 2008-09.