



TEXAS BOARD OF PROFESSIONAL LAND SURVEYING

March 8, 2004

RQ-0191-GA

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Honorable Greg Abbott
Texas Attorney General
P. O. Box 12548
Austin, Texas 78711-2548

FILE # ML-43561-04
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OPINION COMMITTEE

RE: Opinion Request: Does the Texas Board of Professional Land Surveying have statutory rule making authority to create a Retired Registration Status (RRS), set a renewal fee for RRS that does not include the \$200 increase and not require completion of continuing education courses to renew a RRS license?

Dear General Abbott:

The Texas Board of Professional Land Surveying is charged with enforcing Chapter 1071 of Title 6, cited as the Professional Land Surveying Practices Act (Act). Section 1071.151 of the chapter authorizes the Board to adopt and enforce reasonable and necessary rules and bylaws to perform its duties under the chapter. Section 1071.303 requires all active surveyors to pay a renewal fee (set by the Board at \$150). Section 1071.1521 increases the renewal fee \$200 and Section 1071.305 requires completion of continuing education courses for license renewal. Section 1071.263 allows a surveyor to request Inactive Status. While Inactive the surveyor may not practice surveying, is not required to get continuing education credit to renew and is charged a renewal fee (set by the Board at \$37.00), which does not include the \$200 increase. Section 1071.301 of the Act states that the board shall set fees in amounts reasonable and necessary to cover the costs of administering this chapter. Chapter 1071 does not specifically provide for a Retired Status and the Board has not provided such.

Many Professional Surveyors are also Professional Engineers. The Texas Board of Professional Engineers registers Professional Engineers under Title 6, Chapter 1001, cited as the Engineering Practices Act. Chapter 1001.205 specifically provides reduced fees for engineers over 65 years of age and the disabled. Such engineers do not pay the \$200 renewal increase, are not required to get continuing education and can continue to practice engineering.

Individuals who are registered by both boards have requested equal treatment from both boards. Can the Board of Professional Land Surveying create a Retired Status for surveyors over 65 years old, set a renewal fee that does not include the \$200 increase and not require completion of continuing education courses to renew?

Assistant Attorney General Eugene Clayborn has been assigned to assist this Board with legal matters. If you have questions or need additional information, please advise either Mr. Clayborn at 475 3204 or me at 465 9427.

Yours truly,

Sandy Smith
Executive Director

7701 North Lamar, Suite 400 Austin, Texas 78752
(512) 452-9427 FAX (512) 452-7711
www.tpls.state.tx.us