

AGENDA
SURVEYING ADVISORY COMMITTEE MEETING
TEXAS BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS
1917 S. IH-35
Austin, Texas 78741
October 24, 2019—10:00 AM

Discuss and Possibly Act on the Following Agenda Items:

1. Call to Order (Jon Hodde, RPLS, Chair)

- The meeting was called to order at 10:15 a.m.

2. Introduction, Review of Committee Structure, Goals

- Attendees:
 - Jon Hodde, RPLS – Chair
 - Manny Carrizales, RPLS
 - Mary Chruszczak, RPLS
 - Davey Edwards, PhD, RPLS, LSL
 - Coleen Johnson, RPLS
 - Paul Kwan, RPLS
 - Lamberto Balli, PE – Board Liaison
 - Rolando Rubiano, PE – Board Liaison
 - Lance Kinney, PhD, PE – TBPELS Executive Director
 - Michael Sims, PE – TBPELS Director of Compliance & Enforcement
- Committee members, board liaisons, and staff members introduced themselves.
- Dr. Kinney reviewed the committee guidelines document regarding process for the committee, goals, etc.

3. Future Committee Structure

- Dr. Kinney discussed the guidelines and that the current appointments are for 6 months. TBPELS will start the process for the next round of appointments by the Board soon and will consider external recommendations.

The committee took items out of order. The next item considered was item 5, rules related to SB1200.

4. Rules Discussion: Chapter 131 – TBPELS Operations

- Due to time constraints, this item was not discussed as a group. Draft language has been prepared by TBPELS staff to combine the operational sections of the Engineering Practice Act and the Texas Land Surveying Act into one section which will reside in

TAC Chapter 131. The first draft was presented for review and comment to the committee via Basecamp. Comments will be reviewed and incorporated with a goal of presenting for initial proposal at the February 2020 TBPELS Board Meeting.

5. Rules Discussion – SB1200

- During the 86th Regular Legislative Session, SB1200 was passed relating to the authority of certain military spouses to engage in a business or occupation in this state. Specifically, the statute requires all licensing and registration agencies to pass rules to recognize out-of-state licensees for spouses of active members of the military stationed in Texas and provide a streamlined path to licensure while they reside in Texas.
- Information and a draft version of the rule for both engineers and surveyors was reviewed with the committee. Concerns included determining substantial equivalence for surveyors licensed in other states. It was clarified that §133.29(d) of the proposed rule would allow for the Board to review each applicant on a case-by-case basis, as each state may have multiple paths to licensure.
- After discussion, the Committee supported the draft language for proposal to the Board.

The committee next took up item 7 relating to pre-approval of continuing education courses.

6. Exam Discussion: PS / RPLS / State Specific Exams

- Staff presented background information about the current RPLS exam process and procedures, as well as about the NCEES PS exams, exam specifications for all exams, and a review of states and their implementation of the PS and state-specific LS exams.
- The committee also reviewed information from HB1523 and the Sunset Report.
- Dr. Edwards is a member of the NCEES Examination for Professional Surveying Committee (EPS) committee, and he shared his report from the recent October 2019 EPS meeting. NCEES is currently in the process of developing a new PS exam format that will break down skill and knowledge areas into modules that each state can select to require for licensure in their state. This process is just beginning with a target to implement and offer exams in 2024.
- The committee discussed if a conversion for Texas in 2024 would be sufficient and in-line with the Sunset Recommendations and statutory changes and the feeling was that a transition sooner than 2024 was the intent.
- Discussion moved to content areas of the PS vs RPLS exam, as concerns have been raised in the past about Texas-specific knowledge not being on the national PS exam, as well as Texas surveyors not having knowledge that is tested on the current PS exam, thereby potentially leading to a disadvantage.
- Some members noted that most of the topic areas on the PS exam are things that a Texas LS should know in general; and that the current Texas reciprocal exam covers Texas-specific items. The reciprocal exam is currently in place for out-of-state LS applicants (who have taken the PS) to take for licensure in Texas. Therefore, the PS exam plus the reciprocal exam is already a path to licensure in Texas.

- Most states utilize a state-specific exam (and Sunset noted this) so the PS plus a Texas-state specific exam (based on the current reciprocal exam) could be a reasonable model for all applicants in the future.
- The national PS exam offers many advantages related to process: it is available at computer testing centers all of the nation on a daily basis (as opposed to the 2x/year for the RPLS exam); it is available all over the state instead of only in Austin; it is a nationally recognized exam facilitating mobility; NCEES develops, delivers, and scores the exam reducing costs to TBPELS and significantly reducing risk and exposure from an exam security perspective.
- The committee also discussed the timing of a potential transition and the impact it would have on examinees, including sufficient notice to allow examinees to begin preparation for a new exam model, as well as the time required by NCEES and TBPELS staff to change formats.
- The committee discussed the pros/cons, exam specs, Sunset recommendations, etc. at length. The committee recommended that staff begin work toward utilizing the NCEES PS exam along with a Texas state-specific exam (based on the Texas reciprocal exam) with a target implementation date of January 2021.
- This move will require rule changes that will be run through the standard rulemaking process, including review and approval by the Board, public comments, etc. So, there is much work to be done but the committee agreed the process should begin.

7. Continuing Education: Course Review and Pre-Approval

- Staff presented background information about continuing education processes and procedures, including the updated surveying statute, current rules for surveyors, current rules for engineers, and a review of data from NCEES regarding other states and whether they require pre-approval for CE
- The information shows that only a few states review courses, and almost all do NOT require pre-approval of a course or program.
- The engineering programs in almost every state do NOT require pre-approval of a course or program.
- The TSPLS process was reviewed and discussed; there are some issues with the current procedures and their alignment with the laws / rules, as well as inconsistencies in the procedures.
- It was noted that the quality of the courses is important and some courses have been rejected in the past. However, courses that are approved can have poor content, or attendees can not be engaged and therefore no learning is happening. It is not necessarily related to the content or delivery and a pre-approval does not guarantee continuing education occurs.
- Pros and cons were discussed, including allowing for more options for licensees / registrants, reductions in fees for providers, and the timing of the applications and board meetings sometimes leaves a course to be delivered with approval coming afterwards (or a course not being delivered due to lack of approval).
- After discussion, the committee agreed to the proposal to remove the requirement for pre-approval of courses and continue with verification of compliance with the law and rules through the audit process. This will require a rule change, so the current pre-approval process will continue until the rules are changed.

- The committee also discussed modifications of the circulation process for pre-approvals with staff – staff review, then select subject matter review by RPLS from advisory committee, then recommendation to the board for approval / rejection.

The committee next moved to item 6 on the agenda.

8. Discussion: Review process for surveying rules related to practice and obligations of RPLS

- Staff presented the methodology for reviewing and combining the engineering and surveying rules. Initial rule drafting is ongoing (see item 4 above) and these rules will be shared with the advisory committee as they are completed.

9. Issues for consideration for future committee meetings

- Continued discussion of rules

10. Select next committee meeting date(s)

- Poll will be posted to Basecamp, but target in January 2020

11. Adjourn

- The committee adjourned at 3 p.m.