

MINUTES

SENATE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Tuesday, February 03, 2015

TIME: 1:30 P.M.

PLACE: Room WW54

MEMBERS PRESENT: Vice Chairman Patrick, Senators Cameron, Martin, Lakey, Heider, Lee, Schmidt and Ward-Engelking

ABSENT/ EXCUSED: Chairman Tippetts

NOTE: The sign-in sheet, testimonies and other related materials will be retained with the minutes in the committee's office until the end of the session and will then be located on file with the minutes in the Legislative Services Library.

CONVENED: **Vice Chairman Patrick** called the meeting to order at 1:30 p.m.

DOCKET NO. 10-0101-1401: **Board of Professional Engineers and Professional Land Surveyors - Rules of Procedure - Education Requirements.** **Keith Simila**, Executive Director, Board of Professional Engineers and Professional Land Surveyors (Board), said the proposed rule will improve the process the Board uses to substantiate the educational requirements that must be met prior to assignment to examinations or granting a professional engineer license by comity (legal reciprocity). It is difficult for the Board to ascertain the applicant's educational coursework when reviewing foreign education or non-Engineering Accreditation Commission/Accreditation Board for Engineering and Technology (EAC/ABET) accredited applications. Also, applications for comity licensure in which the education was completed many years ago are difficult to evaluate where course descriptions are no longer published or available. The Board is expanding the option of requiring an independent evaluation of an applicant's educational credentials to any graduate of a university program that is not accredited by the EAC/ABET organization. The previous rule applied the credential evaluation only to foreign educated applicants.

Additionally, the Board is changing the process to evaluate foreign applicants for comity licensure. The rule revision will separate the foreign applicant process from the interstate applicant process. The foreign applicant process will also separate the foreign credentialing process from those that are Board-approved and those that are not or are unknown. For the non-approved or unknown foreign countries, the Board will add a two-year United States experience requirement, along with education and examination requirements similar to those required of United States engineers. Finally, a provision is added for the Board to waive the prescriptive licensure requirements in this rule and issue a license to an international expert in unique fields of engineering without first approving the licensing process of that country so long as they meet the minimum requirements of Idaho Code § 54-1219. This provision is added to enable unique international expertise to be available on a case-by-case basis when needed.

Senator Heider asked why the District of Columbia was mentioned in this rule since it is not a state. **Executive Director Simila** said there were discrepancies in the way jurisdictions were defined, so the District of Columbia was included for consistency.

Senator Cameron asked Executive Director Simila to explain the waiver process contained in this rule. **Executive Director Simila** said there are international

tunneling experts in Europe and none in the United States. The Board wanted to make sure they had the ability to get the expertise when needed on a case-by-case basis. However, the international expert would have to prove they are an expert, so licensing could be waived.

Senator Cameron commended the Board for conducting negotiated rulemaking. He wanted to know if there were any negative comments on the rules. **Executive Director Simila** said no.

MOTION: **Senator Martin** moved to approve **Docket No. 10-0101-1401**. **Senator Heider** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 10-0102-1401: **Professional Engineers and Land Surveyors. Keith Simila**, Executive Director, Board of Professional Engineers and Professional Land Surveyors (Board), said the proposed rule will correct an incorrect citation to Idaho Code § 67-2320, which is the law requiring that public agencies use qualification-based selection processes when soliciting engineering or land surveying services. The Board intends that all provisions of the law be complied with. The existing citation is ambiguous and the rule change clarifies the intent of the Board.

Negotiated rulemaking was conducted.

MOTION: **Senator Ward-Engelking** moved to approve **Docket No. 10-0102-1401**. **Senator Lee** seconded the motion. The motion carried by **voice vote**.

DOCKET NO. 10-0103-1401: **Professional Engineers and Land Surveyors. Keith Simila**, Executive Director, Board of Professional Engineers and Professional Land Surveyors (Board), said the proposed rule will require surveyors to perpetuate historic corner record information on the Corner Perpetuation and Filing (CPF) forms that are filed or recorded in the county courthouse in lieu of listing all corner record instrument numbers on the record of survey map. The reason for this change is that over time, the number of CPF record filings are increasing, and there is insufficient room on the record of survey map to continue the practice of listing all corner record instrument numbers without creating a cluttered map that is less legible to read. Only the most current corner record instrument number is proposed for listing on the Record of Survey map. A change to Idaho Code § 55-1906 is proposed that removes the requirement for listing all corner record instrument numbers on the Record of Survey map.

Negotiated rulemaking was conducted.

Executive Director Simila said the readability of the map would be improved because the surveyors complained about the clutter. The entire history of the corners has to be shown on the form. **Senator Cameron** and **Executive Director Simila** had a conversation about researching the history of a corner definition and the differences in changing this rule. **Executive Director Simila** reported the change is in how the information is displayed; instead of being on a map, the history is now shown on a form. Both the form and the map are still filed at the courthouse. **Senator Cameron** wanted a clarification of the history of subsequent documentation. **Executive Director Simila** referred to page 88 of the Pending Rule book, which outlined the changes. Instead of placing all of the history on the map, all of the information will go on the form, with the exception of only the most current corner record.

Senator Cameron wanted to know if the surveyors were supportive of the rule change. **Executive Director Simila** indicated that in the past some surveyors did not want to comply with the law. The Board formed a subcommittee made up of surveyors, Board members, and professional engineers and discussed this change for over a year. The surveyors on the subcommittee came up with the wording for this rule. **Senator Cameron** asked what happens if a surveyor does

not follow the procedure in the future. **Executive Director Simila** said if there is a rule violation, the Board takes the violation under advisement and disciplinary procedures are begun.

MOTION: **Senator Martin** moved to approve **Docket No. 10-0103-1401**. **Senator Lakey** seconded the motion. The motion carried by **voice vote**.

RS 23250: **Relating to Engineers and Land Surveyors**. **Keith Simila**, Executive Director, Board of Professional Engineers and Professional Land Surveyors (Board), stated this RS has the support of the Idaho Society of Professional Engineers and Professional Land Surveyors. The objective of the proposed legislation is to make minor changes to the requirements for plats, Records of Survey (ROS), monuments and the fundamentals examinations for college students.

Executive Director Simila said there are basic features that land surveyors place on plats and ROS prior to submitting them for filing or recording in county courthouses. The amendment corrects inconsistencies in platting and mapping requirements. Plats and ROS maps are required to have the same minimum features such as north arrow, graphic scale, and bearing and distances for better consistency. Plat and ROS map media requirements are updated and made consistent in all three sections of code to remove outdated media specifications. Requirements are changed to list only the most current corner record on the ROS map to make it more concise. A technical correction insures monuments set by Idaho licensed land surveyors are protected from defacement. The basic requirements assist users in orienting themselves and making sure the scaling of these products is correct when copies are enlarged or reduced.

He reported the media that plats and ROS are printed on as described in current law is no longer available. There was a law change last year that did not involve the Board that attempted to address this issue, but it did not change the law in three sections of Idaho Code where media is described. This resulted in inconsistency in the code. In working with surveyors, suppliers, and county clerks and recorders, the revised law replaces the obsolete language with a new media requirement that fits with current technology and the needs of the counties and surveyors. He said plats are put on mylar as required by Idaho Code.

Kent Absec, Board of Accountancy, explained the first of two licensing examinations is called the Fundamentals of Engineering (FE) or Surveying exam and it is usually taken by students in their senior year or shortly after graduation. All states use the same exam. The exam was successfully converted to a computer-based test in 2014. The Board wants to make this exam available to undergraduate and graduate students prior to graduation. Since the exam can now be taken throughout the year at local testing centers, the Board also wants students to first pass the examination and then apply for their intern certificate. Most states are moving toward making the examination more accessible in this way. This will reduce the barriers for entry into the profession by making it easier to complete the exam prior to or shortly after college graduation.

There is a technical correction related to protection of survey monuments from defacement. Protections were inadvertently removed by a law change made in 2011. The law now provides protections only for monuments set by state or federal land surveyors. The change inserts the words "or set" to make it clear that all monuments set by professional land surveyors licensed in Idaho are protected regardless of their employer. Citizens and businesses pay to have surveyors set monuments at property corners as part of normal boundary surveys.

Senator Martin wanted to know why specify what the method of copying should be since technology is constantly changing. **Executive Director Simila** said this language was produced by surveyors and reviewed by county clerks and courts. He commented that if something is not specific, there will be someone who will not follow the rules.

Senator Lakey asked about the use of ink or toner. He said the surface will be coated with a suitable substance, if required, to assure permanent legibility, and wanted to know what agency was requiring the use of coating. **Executive Director Simila** reported that not all counties or agencies have this requirement, but ink is a surface material that is placed on top of mylar, which can be scratched off, so spray coating is used. Some counties use a scanner and make digital copies, but a number of counties do not have that kind of sophisticated equipment. **Senator Lakey** suggested adding the wording "required by the county as to where the item was being recorded". **Executive Director Simila** expressed a concern as to how to make the change. **Senator Lakey** suggested the Board, during the next Legislative Session, take a look at adding the wording "required by the county where the plat is recorded" to make it clear who is imposing the requirement.

Senator Schmidt referred to the phrase, "the most current corner records" and said it seemed to be inconsistent with **Docket No.10-0103-1401** . **Executive Director Simila** indicated there were problems with putting all of the corner records on the map. The rule change will add corner records be put on the form.

Vice Chairman Patrick reminded the Committee this legislation was for a print hearing only. He wanted to know if the Committee wanted to hold this RS, discuss it, or send it to print. **Senator Lakey** added he would like to have the wording of the RS changed with his recommendation.

MOTION: **Senator Lakey** moved to hold **RS 23250** for modification. **Senator Martin** seconded the motion. The motion carried by **voice vote**.

RS 23215: **Relating to Engineers and Land Surveyors**. Due to lack of time, this RS was continued to another meeting.

PRESENTATION: **Idaho Trade Managers**. **Megan Ronk**, Department of Commerce (Department), introduced the international trade managers. She said through a joint effort between the Department and the Department of Agriculture, the State has three international trade offices in Mexico, Taiwan, and China. She introduced **Armando Orellana**, Manager of the Idaho Trade Office in Mexico, and **Xu Fang**, Manager of the Idaho Trade Office in Shanghai. **Mr. Orellana** made a PowerPoint presentation on the accomplishments of his office during 2014. He reported the economy in Mexico was growing in spite of worldwide financial challenges and for the first time in 20 years inflation has gone down. The latest figures show Idaho exports to Mexico were up 6.25 percent from the previous year. **Mr. Orellana** commented he was able to make presentations to various companies about investing in Idaho. Alpura was one of those companies. Major retailers from Mexico have visited Idaho. He noted there was an Idaho bean seed plot in central Mexico, which was being tested.

He highlighted country events. He said the Latin American Dairy Convention

had displays from dairy processors from Idaho: Glanbia, High Desert Milk, and Lactalis. In addition, Quest Aircraft expanded their presence in the region with a representative for Latin America. He said other highlights were that the mountain states were the sole suppliers of a major mustard processor, main grain importers were in contact with Idaho exporters, Uclear was selling to a motorcycle distributor, and Idaho universities were sending interns to the agricultural industry in Mexico. He said he was excited about the upcoming events of Governor Otter's trade mission in May, the bean seed test plot in Sinaloa, the exposure of Idaho companies to the major infrastructure, and telecommunication projects.

Senator Martin asked Mr. Orellana where his office was located. **Mr. Orellana** replied it was in Guadalajara. **Senator Lakey** and **Mr. Orellana** had a conversation about yellow beans which were developed at Boise State University and the encouragement of Mexican farmers to grow the beans. **Mr. Orellana** remarked that farmers can buy beans directly from Idaho rather than going through a middleman.

Xu Fang, reported on the China Trade Office accomplishments. He said China's Gross Domestic Product (GDP) showed a growth of 7.4 percent in 2014. He stated the United States was the second largest trade partner with Taiwan. He said the fastest-growing market as United States exports over the past decade. There was 18.37 percent growth in Idaho exports from 2013-2014. **Mr. Fang** reported Taiwan wanted to attract businesses. He noted that 25 percent of travelers from Taiwan visit the United States.

Mr. Fang highlighted the upcoming events. The China International Education Expo will be happening in March, the China Outbound Travel and Tourism Market (COTTM) in April, the International Expo (IE) in May, the 13th China Husbandry Expo in May, the China International Horse Fair in September, and the China Education Expo in October. He said 2015 marks the thirtieth anniversary of the Shanxi province sistership with the State of Idaho. The focus for 2015 will be on agricultural machinery, education, mining equipment, and the potential for other opportunities.

Mr. Fang explained Idaho's China Trade Office has five full-time staff members and their team represents a total of 40 years working with United States companies and industry groups, who have experience with marketing and market access.

Vice Chairman Patrick complemented the Idaho trade managers for all of the work they have done during the past year. **Senator Lee** said she appreciated the opportunity to review their accomplishments, and she found it interesting and exciting to see exports from Idaho in their countries.

ADJOURNED: There being no further business, **Vice Chairman Patrick** adjourned the meeting at 2:50 p.m.

Senator Tippetts
Chair

Linda Kambeitz
Secretary