

MINUTES
HOUSE BUSINESS COMMITTEE

DATE: Monday, March 09, 2015

TIME: 1:30 PM or Upon Adjournment

PLACE: Room EW41

MEMBERS: Chairman Barbieri, Vice Chairman Clow, Representatives Collins, Crane, Palmer, Thompson, Batt, Hixon, Kauffman, Monks, Anderst, Beyeler, DeMordaunt, Dixon, Troy, Smith, Rusche, Jordan

**ABSENT/
EXCUSED:** Representative(s) Palmer, Monks

GUESTS: Jeremy Chou, Givens Pursley; Jack Clark, ISPLS; Glenn Bennett, ISPLS/IBPE & PCS; Nathan Dang, ISPLS; Bill Farnsworth, OCID - Department of Administration

Chairman Barbieri called the meeting to order at 2:15 PM.

S 1046: **Keith Simila**, Executive Director for the Board of Licensure of Professional Engineers and Professional Land Surveyors, presented **S 1046**. He said this legislation has the support of the Idaho Society of Professional Land Surveyors, the Idaho Chapter of the American Council of Engineering Companies, and the Idaho Society of Professional Engineers. The legislation addresses board composition, the completion of minimum requirements as a condition of license renewal, improved incentives to renew licenses on time, and a fine in-lieu-of discipline provision.

Mr. Simila said Idaho Code currently requires the board be comprised of four engineers and one land surveyor. In the past, one member had both an engineering and land surveying license. The board benefited from having two licensed land surveyors and used both to defer complex land survey related issues to them. The board sees great value in retaining two surveyors as members in perpetuity as having two opinions on the same issue provides for better insight into the questions and concerns related to the land surveying profession.

Mr. Simila said, due to age demographics, the number of future candidates with dual licenses is greatly diminished. As a result, the board desires to codify a minimum of two land surveyors for board membership. There is also a desire on the board to have an odd number of board members to avoid tie votes. In addition, there are some disciplines of engineering and geographic areas that are not well represented on the board. For these reasons, the board also seeks to add one more engineer to the board.

Mr. Simila stated this legislation fixes inconsistencies within Rule and Statute by making it clear, license renewal is conditioned on completing requirements of the laws and rules of the board. It also proposes an increase in the late fees to provide improved incentive to renew on time. He said, the board recently implemented an online renewal feature through Access Idaho which makes renewing a license on time easier. A new provision has been added to give licensees an option to pay a fine in-lieu-of discipline for first time violations of continuing professional development. This provision gives first-time violators an option to avoid discipline which many prefer.

In response to questions, **Mr. Simila** said there are 2,600 engineers and 830 land surveyors that reside in Idaho. He continued that as of September 2014, the fund balance was projected to be \$424,000 for a \$600,000 budget. He clarified the \$400 fine is in-lieu-of discipline which is different than the late fee. He said the easiest way to avoid the late fees is to pay a \$10 biannual fee to retire a license. When a licensee chooses to come back to the profession, they just need to notify the board and comply with the continuing professional development requirements.

Jeremy Chou, with Givens Pursley and representing the American Council of Engineering Companies, testified **in support of S 1046**.

Glen Bennett, the surveyor member of the Idaho Professional Board of Engineers, testified **in support of S 1046**. He said it is essential to have two surveyors on the board so not all of the decisions are made by one person. This is mainly for peer review of the very technical process.

In response to a question, **Mr. Simila** said the renewal late fee is traditionally capped at double. The fee would not go above \$100 unless it is not renewed within a year.

MOTION: **Rep. Ruche** made a motion to send **S 1046** to the floor with a **DO PASS** recommendation.

Rep. Batt spoke **in opposition** to the motion. She said she did not like the tone or precedent set by the legislation which offers a fee of \$400 in-lieu-of a fine and disciplinary action. In addition, she does not agree with the fee structure as it is not clear whether the fees are compounded monthly.

VOTE ON MOTION: **Motion carried by voice vote. Reps. Crane, Troy, Hixon, and Batt** requested to be recorded as voting **NAY**. **Rep. Jordan** will sponsor the bill on the floor.

S 1063: **Michael Kane**, representing the Board of Licensure of Professional Engineers and Professional Land Surveyors, presented to the committee **S 1063**. He said this legislation has the support of the Idaho Society of Professional Land Surveyors, the American Council of Engineering Companies of Idaho, and the Idaho Society of Professional Engineers. He said the objective of the bill is to change the definition of the practice of land surveying. The current definition describes land surveying as including only boundary surveying and certifying elevation. He said under the current law, land surveyors are only licensed to work on property boundaries yet are asked by their clients to sign and seal work that they perform which is not authorized by code. The updated law will include all the services land surveyors routinely provide to their clients and the public.

Mr. Kane continued, the current law is a barrier to entry for new professionals. Very few young surveyors are entering the workforce and becoming a licensed professional land surveyor since they can only credit boundary surveying experience toward the four-year experience requirement. The current law has the effect of extending the experience requirement time-frame for licensure, for most survey interns, from the minimum four years to eight or more years. This is because boundary surveying comprises approximately only one-third of the work for most survey businesses. He said the states surrounding Idaho have recognized the need to protect their public by revising the definition of land surveying to better reflect what surveyors are called upon to do in their states and to recognize the experience and judgment of a licensed professional land surveyor. The new definition will enhance mobility of licensure with other states.

Mr. Kane said land surveyors must pass two examinations to become licensed. The professional land surveyor examination contains questions that are included in the updated definition of land surveying. Land surveyors must be competent in the full suite of land surveying services included in the new law in order to pass the professional examination.

In response to a question, **Mr. Kane** said examples of the measurement of improvements above the Earth and below the Earth would be mining, airports, and multilevel condominiums.

Jeremy Chou, with Givens Pursley and representing the American Council of Engineering Companies, testified **in support of S 1063**.

MOTION: **Rep. Beyeler** made a motion to send **S 1063** to the floor with a **DO PASS** recommendation.

Bill Farnsworth, Geospatial Information Officer for the state of Idaho, testified **in support of S 1063**. The definitions will help identify who is responsible for what.

In response to a question, **Mr. Simila and Mr. Kane** explained that in the section regarding when surveyors are required to put monuments in the ground, the term professional boundary is used only for property surveying so it excludes other types of land surveying such as work on your own property, as part of your own business, or construction staking.

VOTE ON MOTION: **Motion carried by voice vote. Rep. Dixon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting adjourned at 3:07 PM.

Representative Barbieri
Chair

Francoise Cleveland
Secretary