



Eric Milstead
Director

Legislative Services Office Idaho State Legislature

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MEMORANDUM

TO: Senators PATRICK, Martin, Schmidt and,
Representatives BARBIERI, Clow, Smith

FROM: Ryan Bush - Principal Legislative Research Analyst

DATE: July 08, 2016

SUBJECT: Temporary Rule

IDAPA 10.01.01 - Rules of Procedure - Adoption of Temporary Rule - Docket No. 10-0101-1603

We are forwarding this temporary rule to you for your information only. No analysis was done by LSO. This rule is posted on our web site. If you have any questions, please call Ryan Bush at the Legislative Services Office at (208) 334-4834. Thank you.

Attachment: Temporary Rule

Mike Nugent, Manager
Research & Legislation

Cathy Holland-Smith, Manager
Budget & Policy Analysis

April Renfro, Manager
Legislative Audits

Glenn Harris, Manager
Information Technology

**IDAPA 10 - BOARD OF PROFESSIONAL ENGINEERS
AND PROFESSIONAL LAND SURVEYORS**

10.01.01 - RULES OF PROCEDURE

DOCKET NO. 10-0101-1603

NOTICE OF RULEMAKING - ADOPTION OF TEMPORARY RULE

EFFECTIVE DATE: The effective date of the temporary rule is July 6, 2016.

AUTHORITY: In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Section 54-1208, Idaho Code.

DESCRIPTIVE SUMMARY: The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

The Board finds that an alternate pathway to licensure for Ph.D. faculty teaching engineering courses at Idaho Universities will assist faculty in complying with the requirement of law to obtain a Professional Engineering license. The amendments will provide a new section defining the process for applying for a Restricted PE License available to Ph.D. faculty teaching upper division engineering courses at an Idaho University.

TEMPORARY RULE JUSTIFICATION: Pursuant to Section(s) 67-5226(1) sections a and b, Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

The rule change will align the rules of procedure with new laws enacted by the 2016 Legislature.

The law change added a new provision that authorizes the Board to issue a Restricted License to Ph.D. faculty teaching upper division engineering courses at Idaho Universities and waives the requirement for technical testing. The rule change allows faculty to apply to the Board beginning August 3, 2016 and describes the process requirements and conditions in the application.

FEE SUMMARY: Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein:

There are no fee changes as part of this rule change.

ASSISTANCE ON TECHNICAL QUESTIONS: For assistance on technical questions concerning the temporary rule, contact Keith Simila at (208) 373-7210.

DATED this 9th Day of June, 2016.

Keith Simila, P.E.
Executive Director
Idaho Board of Professional Engineers
and Professional Land Surveyors
1510 E Watertower St., Ste. 110
Meridian, ID 83642
Phone (208) 373-7210
Fax (208) 373-7213
keith.simila@ipels.idaho.gov

THE FOLLOWING IS THE TEXT OF THE TEMPORARY RULE FOR DOCKET NO. 10-0101-1603
(Only Those Sections With Amendments Are Shown.)

023. PROFESSIONAL ENGINEER LICENSURE FOR FACULTY APPLICANTS.

Written examinations related to applicable laws and rules for engineering licensure based upon criteria established by the board shall be offered to Idaho college or university faculty applicants whose credentials have been approved by the board and who possess an earned doctorate degree. The credentials the board considers in this regard should include the applicant's university course work completed, the applicant's thesis and dissertation work, the applicant's peer reviewed publications, and the nature of the applicant's professional experience. A satisfactory application, along with a passing score on the examination exempts the applicant from the written technical examinations, and may qualify the applicant for a restricted license as a professional engineer. The restricted license applies only to college or university related teaching upper division design subjects. All conditions for maintaining licensure, such as compliance with the laws and rules of the Board, fees and continuing professional development are the same as required for all licensees. The restricted license is effective from the date of issuance until such time as the licensee ceases to be a faculty member of an Idaho college or university, unless not renewed, retired, suspended or revoked and is subject to renewal requirements established in 54-1216, Idaho Code. Teaching and teaching work products are exempt from the requirements of sealing and signing engineering work under 54-1215(c), Idaho Code. Restricted licensees are not required to obtain a seal. (7-6-16)T

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