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Legislative Services Office

Idaho State Legislature

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MEMORANDUM

TO: Rules Review Subcommittee of the Senate Commerce & Human Resources Committee and the House Business Committee

FROM: Principal Legislative Research Analyst - Ryan Bush

DATE: August 16, 2016

SUBJECT: Idaho Board of Professional Engineers and Professional Land Surveyors

IDAPA 10.01.01 - Rules of Procedure - Proposed Rule (Docket No. 10-0101-1601)

IDAPA 10.01.01 - Rules of Procedure - Proposed Rule (Docket No. 10-0101-1602)

IDAPA 10.01.02 - Rules of Professional Responsibility - Proposed Rule (Docket No. 10-0102-1601)

(1) 10.01.01 - Rules of Procedure - Proposed Rule (Docket No. 10-0101-1601)

The Board of Professional Engineers and Professional Land Surveyors submits notice of proposed rule-making at IDAPA 10.01.01 - Rules of Procedure. This rulemaking updates education requirements for licensure as a professional land surveyor to include unaccredited surveying or related programs. The Board states that this brings Idaho into alignment with most states and provides more educational choices for those seeking to enter the profession.

The Board states that negotiated rulemaking was conducted and notice was published in the May 4 edition of the Idaho Administrative Bulletin, volume 16-5, page 43, and a public hearing was held on August 5 in Meridian. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory guidelines granted to the Board in Section 54-1208, Idaho Code.

(2) 10.01.01 - Rules of Procedure - Proposed Rule (Docket No. 10-0101-1602)

The Board of Professional Engineers and Professional Land Surveyors submits notice of proposed rule-making at IDAPA 10.01.01 - Rules of Procedure. This rulemaking allows Ph.D. faculty that teach upper division engineering courses at an Idaho university to apply for a restricted professional engineer license.

The Board states that negotiated rulemaking was conducted and notice was published in the May 4 edition of the Idaho Administrative Bulletin, volume 16-5, page 44, and a public hearing was held on August 5 in Meridian. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory guidelines granted to the Board in Section 54-1208, Idaho Code.

Mike Nugent, Manager
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(3) 10.01.02 - Rules of Professional Responsibility - Proposed Rule (Docket No. 10-0102-1601)

The Board of Professional Engineers and Professional Land Surveyors submits notice of proposed rule-making at IDAPA 10.01.02 - Rules of Professional Responsibility. This rulemaking requires that opinions of licensees and certificate holders stated in reports, statements or testimony must be based in accordance with the standard of care. The Board states that the existing rule does not include this requirement for documents and testimony unless serving as an expert witness and that this rule change clarifies their intent.

The Board states that negotiated rulemaking was conducted and notice was published in the May 4 edition of the Idaho Administrative Bulletin, volume 16-5, page 45, and a public hearing was held on August 5 in Meridian. There is no fiscal impact associated with this rulemaking.

The proposed rule appears to be within the statutory guidelines granted to the Board in Section 54-1208, Idaho Code.

cc: Idaho Board of Professional Engineers and Professional Land Surveyors
Keith Simila, P.E.