



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: John Greenhalge, Board of Registration for Professional Engineers and Surveyors

FROM: Joseph Baker, Business Advocate

DATE: December 10, 2021

RE: **CSI Review – Five-year rule review (OAC 4733-5-02, 4733-9-01, 4733-9-02, 4733-13-01, 4733-25-01, 4733-29-01, 4733-33-01, 4733-37-01, 4733-37-03, 4733-37-04, 4733-37-05, 4733-39-03, 4733-39-04, and 4733-39-05)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

Analysis

This rule package consists of 14 amended rules proposed by the Ohio State Board of Registration for Professional Engineers and Surveyors. This rule package was submitted to the CSI Office on October 13, 2021, and the public comment period was held open through November 13, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on October 13, 2021.

Ohio Administrative Code (OAC) 4733-5-02 specifies meeting notice protocols of the Board and has been amended to update the address of the Board's office. OAC 4733-9-01 requires the Board to consider applications for licensure from professional engineers and professional surveyors and specifies minimum education and experience requirements for applicants. The rule is amended to remove a requirement that surveyor applicants have at least two years of experience under the supervision of a professional surveyor. OAC 4733-9-04 sets forth the Board's responsibility to administer examinations and consideration of applicants' examination performance. The rule is amended to reflect the online nature of the examination process. OAC 4733-13-01 requires the

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Board to grant licenses to applicants from other states if they pass the Ohio state-specific professional surveying exam on the practices of surveying in Ohio. The rule is amended to adopt clarifying changes. OAC 4733-25-01 specifies that registrants may apply for registration reinstatement from the Board and the information that must be included on the application. The rule is amended to provide for gender neutrality. OAC 4733-29-01 specifies the information that applicants must provide when requesting admission to the principles and practice examination and is amended to reflect logistical changes in the exam process due to the implementation of computer-based testing.

OAC 4733-33-01 requires applicants for registration as professional surveyors to pass the fundamentals of surveying examination, the principles and practice of survey examination, and the Ohio state-specific surveying examination prior to registering. The rule also requires registration candidates to have minimum knowledge regarding original survey processes, the restoration of monuments, and various components of retracement work. The rule is amended for language conformity. OAC 4733-37-01 describes the purpose of the rules in the chapter and states that any abridgement of the rules must be clearly indicated on reports and legal descriptions. The rule is amended to simplify language. OAC 4733-37-03, 4733-37-04, and 4733-37-05 outlines requirements for surveyors regarding the placement of boundary monuments, scale drawing of survey plats, and the use of physical boundary indicators. The rules are each amended to reflect current practices with respect to surveying activities.

OAC 4733-39-03 and 4733-03-04 establish filing requirements for businesses engaged in providing services regulated by the board and are amended to reflect biennial, rather than annual, processes. Finally, OAC 4733-39-04 states that the Board shall issue a certificate of authorization to all firms that meet various statutory requirements and pay appropriate fees. The rule is amended to permit the Board to offer a temporary authorization.

During early stakeholder outreach, the Board invited public comments from approximately 30,000 individual engineers and surveyors as well as 3,200 firms. Additionally, the Board states in the BIA that it performed 70 public presentations on the rules. The Board states that it received comments suggesting increased conformity with boundary surveying standards and current practices and that it accordingly included recommended changes from stakeholders in the rule package prior to submitting it to CSI for public comments. One comment was received during the CSI public comment period from the Cuyahoga County Department of Public Works Chief Surveyor, recommending enforcement and penalties be enhanced for monumentation requirements. The Board responded to the comment stating that intentional disturbance or destruction of survey monuments is a criminal offense in Ohio.

The business community impacted by the rules includes members of the public, licensees, students, educators, and firms licensed to offer and provide engineering and surveying services. The adverse impacts created by the rules include the costs assumed by applicants or their employers in pursuing registration as a professional surveyor or engineer, the costs and time necessary to register (both for firms and individuals) with the Board prior to providing services, and potential disciplinary action for failure to comply with the rules. The Board states that the adverse impacts to business are necessary to ensure that the work performed by professional engineers and surveyors does not negatively impact the safety and well-being of the public and that individuals seeking to serve as engineers and surveyors receive appropriate training and experience prior to performing these services.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio State Board of Registration for Professional Engineers and Surveyors should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.