

SENATE BILL REPORT

SSB 5443

As Passed Senate, March 8, 2019

Title: An act relating to the state board of registration for professional engineers and land surveyors.

Brief Description: Concerning the state board of registration for professional engineers and land surveyors.

Sponsors: Senate Committee on State Government, Tribal Relations & Elections (originally sponsored by Senators Van De Wege and Zeiger).

Brief History:

Committee Activity: State Government, Tribal Relations & Elections: 2/15/19, 2/21/19 [DPS-WM, w/oRec].

Ways & Means: 3/01/19 [DPS (SGTE), w/oRec, DNP].

Floor Activity:

Passed Senate: 3/08/19, 44-4.

Brief Summary of First Substitute Bill

- Removes the State Board of Registration for Professional Engineers and Land Surveyors (Board) from the Department of Licensing and establishes it as a separate state agency.
- Grants the Board authority to issue and renew certificates, set fees, and discipline individuals under the Board's jurisdiction.
- Provides that the executive director of the Board is appointed by the Governor and must hold a valid Washington license as a professional engineer or land surveyor.

SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5443 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hawkins and Takko.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Minority Report: That it be referred without recommendation.

Signed by Senator Hasegawa.

Staff: Jarrett Sacks (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Rolfes, Chair; Mullet, Capital Budget Cabinet; Braun, Ranking Member; Honeyford, Assistant Ranking Member, Capital; Becker, Billig, Darneille, Hunt, Keiser, Liias, Palumbo, Rivers, Schoesler, Van De Wege, Wagoner, Warnick and Wilson, L..

Minority Report: That it be referred without recommendation.

Signed by Senators Frockt, Vice Chair, Operating, Capital Lead; Carlyle and Hasegawa.

Minority Report: Do not pass.

Signed by Senator Pedersen.

Staff: Claire Goodwin (786-7736)

Background: Professional Engineers and Land Surveyors. The Department of Licensing (DOL) regulates certain businesses and professions. Some businesses and professions, such as cosmetologists and security guards, are under the authority of the director of DOL. For others, such as architects and engineers, a board or commission is responsible for regulating the profession.

The State Board of Registration for Professional Engineers and Land Surveyors (Board), through the Department of Licensing (DOL), regulates engineering practices and land surveying. On-site wastewater system designers are also licensed and regulated by the Board. The Board consists of seven members, five professional engineers and two land surveyors, appointed by the Governor.

Uniform Regulation of Business and Professions Act. In 2002, the Legislature passed the Uniform Regulation of Business and Professions Act (URBPA) to provide standardized disciplinary procedures for various businesses and professions regulated by DOL. URBPA governs the unlicensed practice of these professions, the issuance and denial of licenses, and the discipline of individuals who violate the act.

Summary of First Substitute Bill: The Board is removed from DOL and established as a separate agency. The Board, rather than DOL, must:

- issue and renew certificates of registration and licenses for professional engineers, land surveyors, and on-site wastewater system designers; and
- set fees for applications, examinations, licenses, registrations, and renewals. Fees set by the Board must be at a level adequate to pay the Board's administration costs.

URBPA is amended to grant the Board, rather than DOL, jurisdiction over disciplinary matters under its authority.

The Governor must appoint the executive director of the Board. The executive director must hold a valid Washington license as a professional engineer or professional land surveyor.

DOL, through an interagency agreement, must provide specified administrative staff support and associated technical services, materials, and equipment to the Board. The initial agreement must be for three years and may be renewed.

References to the director of DOL are replaced with references to either the Board or the executive director of the Board.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on First Substitute (State Government, Tribal Relations & Elections): PRO: Recently, there has been confusion between the Board and DOL as to each entity's responsibilities, especially around the budget and staffing. The bill would resolve that confusion by allowing each agency to do what it does best. Such clarifications would create efficiencies and allow the Board to be more proactive and to do more outreach. The Board would have control over staffing, fees, and its budget.

Persons Testifying (State Government, Tribal Relations & Elections): PRO: Senator Kevin Van De Wege, Prime Sponsor; Kenneth McGowan, Washington; Kenneth McGowan, Washington Society of Professional Engineers; James Wengler, Board of Registration for Professional Engineers and Land Surveyors; Ivan VanDeWege, Board of Registration for Professional Engineers and Land Surveyors; Ken Fuller, Board of Registrations for Professional Engineers and Land Surveyors.

Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections): No one.

Staff Summary of Public Testimony on First Substitute (Ways & Means): PRO: The bill is not agency request legislation, but it is strongly supported by the members of the Board. We believe this will align more clearly with the statutory direction of the Board. We have also had conversations with DOL and believe the Board will operate more efficiently. Through an interagency agreement, which we have had since 1989, we will continue to contract with DOL for administrative service. We see this as having net-zero costs.

Persons Testifying (Ways & Means): PRO: Aaron Blaisdell, Board of Professional Engineers and Land Surveyors; Cliff Webster, Architects & Engineers Legislative Council.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.