



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 609

PRINTERS NO. 1281

PRIME SPONSOR: Emrick

COST / (SAVINGS)

FUND	FY 2020/21	FY 2021/22
Professional Licensure Augmentation Account	\$0	\$0

SUMMARY: Amends the Engineer, Land Surveyor and Geologist Registration Law to clarify provisions and update the law to reflect current practice. This legislation would take effect in 60 days.

ANALYSIS: This legislation amends the Engineer, Land Surveyor and Geologist Registration Law (Act 367 of 1945) to do the following:

- Amends the definition of “Practice of Engineering” to clarify that it includes not only the initial design of projects, but also the analysis of completed buildings, structures, etc.
- Amends the definition of “Engineering Land Surveys”, something both Professional Engineers and Professional Land Surveyors are authorized to perform, to clarify that it includes determining the position of fixed objects, whether for project design or analysis, by use of any mapping or positioning technology that requires professional understanding for its appropriate and safe usage.
- Replaces the title “Engineer-in-training” with “Engineer Intern.”
- Clarifies that distance learning courses shall satisfy continuing education requirements provided they are verifiable and measurable by the actual hours of instruction.
- Clarifies the existing licensure exemption for companies regulated by the public utility commission to include agents or contractors of those utilities.
- Adds a license exemption for employees or agents of electric cooperative corporations that is similar to the exemption already provided for PUC regulated utilities.
- Adds a license exemption for employees, contractors or agents of a provider of cable service or a broadband internet access service, a provider of enhanced telecommunications services or provider of telecommunications services as long as the work is conducted in connection with or related to products of, services provided by the company.
- Amends the definition of “Practice of Land Surveying” to clarify that it includes not only determining boundary lines, but also determining the position of structures or permanently installed equipment and the performance of engineering land surveys. The term also includes the following:
 - Creating maps and geospatial databases that represent authoritative locations of boundaries, fixed-location structures, or topography.

- Collection of original data, or resolving conflicts between differing sources of data, if used for specifying the authoritative location of certain features, including private and public land boundaries, fixed-location structures, and satellite imagery with a geographically consistent scale.
- Certification of the location accuracy of maps or measurement data.
- Correcting and interpreting raw data collected during surveying.
- Using Geographic Information Systems (GIS) to create property or tax maps to define boundaries for cases where land title or land development rights for individual parcels of land could be affected.
- Resolving conflicting land data by reviewing and interpreting maps, deeds and other title documents.
- Acquiring field data required to knowledgeably locate fixed structures or tax map boundaries related to a predetermined geometric network of fixed geographic points.
- Analyzing or changing tax map data of property lines by using predetermined geographic points to establish authoritative positional accuracy.
- The legislation excludes the following activities from the scope of practice of a land surveyor:
 - Creation of general maps for educational, reference, public guide, or illustrative purposes.
 - Transcribing data into a GIS that is clearly not intended to authoritatively identify property boundaries or the placement of fixed-location structures.
 - Preparation and dissemination of maps, imagery and other documents that do not authoritatively identify real property boundaries.
 - Original collection of data and the creation of inventory maps and databases created for limited use by an organization regarding the physical features, facilities or infrastructure located entirely on property the organization controls.
 - Maps and geographic databases depicting the distribution of natural resources or phenomena by qualified scientists and professionals, such as historians, foresters, and geologists.
 - Original data collection, maps and geographic databases prepared by any government agency where the access to such data is restricted by law.
 - Original data collection, maps and geographic databases for emergency operations such as 911 dispatch.
 - Non-authoritative GIS activities and related activities by any government organization.
 - Activities by a licensed landscape architect or a licensed geologist under the licensee's scope of practice.

FISCAL IMPACT: This legislation would have no adverse fiscal impact on Commonwealth funds.

PREPARED BY: Tim Rodrigo
House Appropriations Committee (R)

DATE: April 29, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.