

Memorandum of Understanding

Between the Idaho Society of Professional Engineers,
Idaho Society of Professional Land Surveyors and
American Council of Engineering Companies of Idaho

Defining Guidelines for Nominating Members to the
Governor of Idaho for the
Board of Licensure of Professional Engineers and
Professional Land Surveyors

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Objective

To define and memorialize the guidelines for nominating individuals to the Idaho Board of Licensure of Professional Engineers and Professional Land Surveyors (Board).

For decades an unwritten process of such nominations to the Board has gone on without specific formalities. Since organization leadership is always changing, prior procedures are not always clear and confusion could create a scenario where conflicts would rise. For the good of service to the public of Idaho and the professions, such conflicts are not productive and unnecessary.

In an effort to avoid such conflicts and better represent major professional and technical engineering and land surveying organizations within the great State of Idaho, it is desirable to define the Board nomination guidelines.

Open Invitation to Participate

Nothing in this Memorandum of Understanding should be construed or interpreted as excluding other recognized professional or technical engineering or land surveying organizations in the state from participating in the selection process for members of the Board of Professional Engineers and Professional Land Surveyors. Said organizations are welcome to participate and are encouraged to contact the Idaho Society of Professional Engineers or the Idaho Society of Professional Land Surveyors to be involved.

Licensure Board Composition

Board composition, member qualifications and terms are per Idaho Code Section 54-1203 that states:

A board to be known as the "Idaho board of licensure of professional engineers and professional land surveyors" is a division of the Idaho department of self-governing agencies and shall administer the provisions of this chapter. It shall consist of five (5) persons duly licensed as provided by this chapter, appointed by the governor from among nominees recommended by any organized and generally recognized state engineering society in this state for the professional engineer members or any organized and generally recognized state land surveying society in this state for the professional land surveyor member. The board shall be comprised of four (4) persons licensed as professional engineers and one (1) person licensed as a professional land surveyor.

The members of the board shall have the qualifications required by section 54-1204, Idaho Code.

The members of the present board shall continue to serve for the balance of their respective terms of appointment. Each member of the board shall take, subscribe and file the oath required by chapter 4, title 59, Idaho Code, before entering upon the duties of the office. On the expiration of the term of any member, a successor shall be appointed in like manner by the governor for a term of five (5) years. Any appointment to complete a term that has not expired, because of resignation or inability of a member to serve for any reason, shall be for the unexpired portion of the term. A member of the board shall hold office until the expiration of the term for which he was appointed and until his successor has been appointed and qualified.

A member after serving two (2) consecutive full terms in addition to any unexpired portion of a term, shall not be reappointed for a period of two (2) years. The board, on its own initiative, may appoint any former member as an emeritus member for special assignment to assist the board in the administration of this chapter.

Board member qualifications are per Idaho Code Section 54-1204 that states:

Members of the board shall be citizens of the United States and residents of this state, and they shall have been engaged for at least twelve (12) years in the practice of engineering for the professional engineer members or land surveying for the professional land surveyor member, shall have been in responsible charge for at least five (5) years of important professional engineering or professional land surveying work, and shall be licensed under the provisions of this chapter. Responsible charge of engineering or land surveying teaching may be construed as responsible charge of important professional engineering or professional land surveying work.

Board member terms expire on May 24th in the year of the member's term period. Letters of recommended for a position on the Board should be sent to the governor by March 15th of the year.

Background

Historical Practices Determining Make-up of the Board

Perfect balance of the Board is probably impossible, but the opportunity to serve on the Board should be available to all disciplines and area of practices. The Board would ideally be a broad diversification of background experiences.

For the professional engineer positions on the Board, the Idaho Society of Professional Engineers has endeavored to accomplish a mixed balance of diverse experiences of board members.

Consideration has been given to a person's:

- Discipline of practice (civil, electrical, mechanical, etceteras)
- Residence location (geographic mix)
- Area of practice (consulting, government, construction, education or industry)

Serving as a Board member requires significant time commitment and experience in the engineering and/or surveying professions. Board members are routinely involved in making difficult decisions that can affect the lives and livelihoods of licensees. Nominees are encouraged to contact present Board members to discuss the tasks and time commitment required to serve on the Board prior to accepting an invitation to be a nominee for a Board position.

Diverse technical issue matters come before the Board and a member with chemical, civil, electrical or mechanical, as examples, is valuable. Member residency location is important to represent the entire state. A mix of practice expertise always allows seeing an issue from a different perspective.

The value of at least one member from academia is extremely important. Since education is one of the legs of the "three-legged stool" of licensing (education, experience and examination), the educator position is often heavily relied upon by the other Board members to advise on such matters (i.e. assignment to sit for an exam or reciprocity).

It is not an easy task to balance the goals of membership on the Board with qualified, candidates that are willing to put forth the effort and commitment to serve their profession.

Combined License Holders

Prior to 1978 there was no requirement that one of the five board members be a professional land surveyor. State law at the time allowed any person licensed as a professional engineer to practice land surveying. License holders granted that privilege are referred to as “combined license holders” and their designation is traditionally “PE/LS”. Changes in the law in 1978 required engineers to submit evidence of competency to continue to be allowed to practice land surveying.

As time marches on, the number of license holders with the combined license diminishes simply due to their age. Idaho is currently seeing combined license holders in ever decreasing numbers. Soon there will be no combined license holders.

Dual License Holders

There are also engineers that missed the 1978 cut-off for submitting evidence of competence for land surveying because they were either not a professional engineer yet, or could not provide enough land surveying experience prior to the deadline. Some of these professional engineers applied for, sat for and passed the land surveyor examinations for licensure. They hold licenses as both a PE and a PLS.

The number of dual licensees also seems to be decreasing due to changes in the state law for minimum education and practice qualifications to become a professional land surveyor. With ongoing curriculum changes for civil engineers at accredited institutions, it would be difficult for an engineering student to obtain the educational background, independent of experience gained after graduation, to secure a professional land surveyor license.

At some point in time in the near future, the pool of dual license holders and professional engineer / professional land surveyors will be very small or non-existent.

The Idaho Society of Professional Engineers has been cognizant of the law change in 1978 and has always strived to have one of the professional engineer board members also licensed as a professional land surveyor so that more than one professional land surveyor is seated on the Board.

Agreement on Nomination Guidelines Process

Whereas it is in the mutual interest of recognized major professional and technical organizations within the State of Idaho for engineering and land surveying to memorialize a guideline to select individuals for Board membership, and:

Whereas the undersigned organizations within the State of Idaho for engineering and land surveying believe it is in the mutual interest of the professions of Professional

Engineering and Professional Land Surveying in the State of Idaho to memorialize a guideline to select individuals for Board membership, and;

Whereas it is the belief of the undersigned organizations for engineering and land surveying within the State of Idaho that the good of the public of Idaho will be better served, we agree to memorialize these guidelines to select individuals for Board membership as follows:

For Board Professional Engineer Licensure Nominations:

The lead organization will be the Idaho Society of Professional Engineers. The Idaho Society of Professional Engineers is a statewide organization that represents all practice areas and disciplines of professional engineers in Idaho. It is the best-qualified organization to represent all professional engineers in Idaho.

The Idaho Society of Professional Engineers recognizes that it is not an island in this critical process. Idaho professional and technical land surveying and other engineering organizations have a great interest in the representatives that populate the Board.

Therefore the following become advising organizations to the Idaho Society of Professional Engineers during the Board nominations selection process:

- The Board of Professional Engineers and Professional Land Surveyors
- The Idaho Society of Professional Land Surveyors
- American Council of Engineering Companies of Idaho

By September 15th and in accordance with the bylaws of the Idaho Society of Professional Engineers, said Society will form a nominations committee. Said committee will invite representation from the advising organizations listed above to be involved with the nominee selection process. Said advising organizations will not be voting members on the nominating committee, but the nominating committee will carefully consider the requests of all advising organizations.

The goal of the nominating committee and its advising organizations will be to come to a consensus for a nominee's professional occupational discipline, location of residence and professional practice area and seek at least two qualified candidates that are willing to serve. Should a consensus not be reached, the nominating committee of the Idaho Society of Professional Engineers shall vote on the candidates to be selected and be placed upon the ballot. Such candidates will be placed upon an election ballot to be sent to members of the Idaho Society of Professional Engineers. Ballots will be provided to qualified voters no later than February 15th.

After a proper count of ballots, the candidate having the most ballots cast in his or her favor will be presented to the governor by a letter from the Idaho Society of Professional Engineers' president. Should the governor request an additional name, the candidate receiving the second most votes will be forwarded to the governor.

For Board Professional Land Surveyor Licensure Nominations:

The lead organization will be the Idaho Society of Professional Land Surveyors. The Idaho Society of Professional Land Surveyors is a statewide organization that represents all practice areas and disciplines of professional land surveyors in Idaho. It is the best-qualified organization to represent all professional land surveyors in Idaho.

The Idaho Society of Professional Land Surveyors recognizes that it is not an island in this critical process. Idaho professional and technical engineering organizations have a great interest in the representatives that populate the Board.

Therefore the following become advising organizations to the Idaho Society of Professional Land Surveyors during the Board nominations selection process:

- The Board of Professional Engineers and Professional Land Surveyors
- The Idaho Society of Professional Engineers
- American Council of Engineering Companies of Idaho

By September 15th and in accordance with the policies of the Idaho Society of Professional Land Surveyors, said Society will form a nominations committee. Said committee will invite representation from the advising organizations listed above to be involved with the nominee selection process. Said advising organizations will not be voting members on the nominating committee, but the nominating committee will carefully consider the requests of all advising organizations.

The goal of the nominating committee and its advising organizations will be to come to a consensus for a nominee's professional occupational discipline and professional practice area and seek at least two qualified candidates that are willing to serve. Should a consensus not be reached, the nominating committee of the Idaho Society of Professional Land Surveyors shall vote on the candidates to be selected and be placed upon the ballot. Such candidates will be placed upon an election ballot to be sent to members of the Idaho Society of Professional Land Surveyors. Ballots will be provided to qualified voters no later than February 15th.

After a proper count of ballots, the candidate having the most ballots cast in his or her favor will be presented to the governor by a letter from the Idaho Society of Professional Land Surveyors' president. Should the governor request an additional name, the candidate receiving the second most votes will be forwarded to the governor.

Acceptance

This Memorandum of Understanding is hereby executed by the parties listed below. The term of this agreement shall be on-going unless otherwise revoked by any one of the signatory organizations following thirty (30) days written notice from either the board

of the Idaho Society of Professional Engineers or the board of the Idaho Society of Professional Land Surveyors.

This agreement may be amended through written mutual agreement of the parties.

The terms of this agreement are not intended to supersede the bylaws of the undersigned parties.

This agreement will be effective on the date of the signature of the following, whichever date is last.

Idaho Society of Professional Engineers



President

Date: 7-8-11

Idaho Society of Professional Land Surveyors



President

Date: 8-1-11

American Council of Engineering Companies of Idaho



President

Date: 8/8/11