

# RANDOM

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### Board of Examiners add LS

#### **Legislation changes board of examiners composition**

The Governor has signed legislation changing the composition of the Engineering and Land Surveying Examining Board. The change allows for one additional land surveyor on the board, which could reduce the number of professional engineers on the board by the same number. The additional land surveyor position could be held by an individual who also holds both the P.E. and L.S. license.

The reason for the change, which was initiated by SLSI, was to provide additional expertise on the Board to address the disproportionate number of complaints against land surveyors which are brought before the Board. In some years the number of complaints brought to the Board's attention are as high as 60-70% land surveying related. Current code has limited the number of individuals holding the L.S. only to one. Others holding both the L.S. and the P.E. license could be included. However, the Board has recently had only one L.S. serving on the Board. In addition, the Board is responsible for developing the Iowa specific land surveying exam and addressing comity requests.

This change should help in finding additional qualified individuals to serve on the Board and protect the safety, health and welfare of the public.

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## **Legislature Adjourns with out sales tax on LS**

### **Legislature adjourns – no sales tax on professional services**

The Iowa legislature adjourned in early May after the longest session in the state's history where all three branches were controlled by the same party. And they did so without extending the state's sales tax to professional services – specifically, engineering and land surveying.

Early in the session a draft tax reform plan was leaked that showed a proposal to extend the state sales tax to engineering and land surveying services. This would have been a nightmare for engineers and land surveyors to administer. You would have been responsible for knowing the tax rate in every jurisdiction you work and when those taxes were due. It would have resulted in in-state firms having a disadvantage when competing with out-of-state firms on Iowa jobs, or a disadvantage when Iowa firms would compete on out-of-state work.

Add to that the problem of a pyramiding of the sales tax when land surveyors were providing services to other professionals who were also paying a sales tax.

Fortunately, legislative leaders in both Houses agreed with our concerns and the sales tax extension to our services was stricken from the tax plan. However, several new services and products are now subject to the sales tax. If you buy it online or download it, plan on it being taxed. If it's an online service, plan on it being taxed. Use Uber or a local taxi? It's now taxed. The list goes on, but thankfully to our legislative leaders it does not include our services.

## Rule changes coming that impacts LS

### Rule changes proposed by Board of Examiners

As a result of a required review of all rules every five years, the Board of Engineering and Land Surveying has released a draft of set of rules and will be seeking public comment. Currently the rules are "proposed" and we have been given the opportunity for input. After formal approval by the Board in July the rules will be released for a public hearing. However, we will be providing comment prior to that time if necessary.

1. Decreases from 25 to 10 the number of required years of experience necessary for a waiver of the FE exam.
2. Creates a new "retired" status of engineer or land surveyor. Allows an individual to use the retired PE or LS distinction without the mandatory continuing education requirements. The individual must be 100% retired and receiving no monetary compensation by providing PE or LS services. There is no fee for retired status.
3. Applicants for the licensure must present a record of four years or more practical experience of which one must include a minimum of one-year field experience.
4. The requirement for a personal interview with a Board member prior to taking the LS exam is rescinded.
5. Applicants who have failed the state-specific exam on two occasions shall not be allowed to retake the exam before waiting at least one year. Current rules require a two-year wait.
6. Reduces the number of references from three to one and that individual must be able to verify the number of years of experience and an applicant's level of education.
7. Requires licensees to maintain documentation of reported PDH's for two years after the hours were submitted.
8. Requires all Board members to be audited for compliance for a biennium within each their three-year appointment term.
9. If the Board disallows any PDH or the licensee has failed to complete the required PDHs, the licensee shall have 60 days from Board notice to either provide further evidence of having completed the disallowed PDH or remedy the discrepancy by completing the required number of PDHs. Additional time may be granted on an individual basis.
10. The new rule would allow complaints to be made via the Board's website.
11. The current definition of Professional Misconduct in 9.3(6) is rescinded and replaced with **9.3(6) Professional misconduct. Professional misconduct includes, but is not limited to revocation, suspension, or other disciplinary action taken against a licensee by a licensing authority of this state or another state, territory, or country. A "disciplinary action" includes a voluntary surrender of a license to resolve a pending disciplinary investigation or proceeding. A stay by an appellate court shall not negate this requirement; however, if such disciplinary action is overturned or reversed by a court of last resort, discipline by the board based solely on such action shall be vacated. A licensee shall notify the board of such disciplinary action within 30 days of the disciplinary action.**
12. Reports from peer reviewers must be submitted within 90 days. Current rules simply state "within a reasonable period of time." Extensions may be granted.
13. Rule 11.2 defining "retrace" is amended as follows: "Retrace" means following along a previously established line to logical termini ~~monumented by corners that are found or placed by the surveyor.~~
14. 11.4 "Descriptions" is amended as follows: (underlined is new language) "... The description must contain dimensions sufficient to the description to be platted and retraced and shall describe the land surveyed either by government lot or by quarter-quarter section or by quarter section and shall identify the section, township, range and county; and by metes and bounds commencing with some a corner marked-monumented and established in the U.S. Public Land Survey System; or if such land is located in a recorded subdivision or recorded addition thereto, then by the number or other description of the lot, block or subdivision thereof which has been previously tied to a corner marked and established by the U.S. Public Land Survey System.
15. 11.5 relating to plats is amended as follows:

**11.5(5)** The plat shall show that record title boundaries, centerlines, and other boundary lines were retraced to monuments found or placed by the surveyor. ~~The surveyor shall retrace those exterior lines of a section that divide a metes and bounds described parcel of land to determine acreage for assessment and taxation purposes.~~

16. 12.2(a) relating to public survey corner certificates requirements is amended as follows:

There is no certificate for the corner monument on file with the recorder of the county in which the corner is located.

12.2(3) relating to public survey corner certificates requirements is amended as follows: "The identity of the corner monument, with reference to the U.S. Public Land Survey System, shall be clearly indicated.

Feel free to submit your comments directly to SLSI at this time. We will advise you when the public comment period is open.

SLSI extends a thank you to Joel Romey and Paul Herold who worked closely with the Board of Examiners on those changes specific to the surveying profession.



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