

Michigan Office of Administrative Hearings and Rules

Administrative Rules Division (ARD)

611 W. Ottawa Street

Lansing, MI 48909

Phone: 517-335-8658 Fax: 517-335-9512

**REGULATORY IMPACT STATEMENT
and COST-BENEFIT ANALYSIS (RIS)**

Agency Information:

Department name:

Licensing and Regulatory Affairs

Bureau name:

Bureau of Professional Licensing

Name of person filling out RIS:

Weston MacIntosh

Phone number of person filling out RIS:

517-241-9269

E-mail of person filling out RIS:

MacintoshW1@michigan.gov

Rule Set Information:

ARD assigned rule set number:

2019-44 LR

Title of proposed rule set:

Professional Surveyors - General Rules

Comparison of Rule(s) to Federal/State/Association Standard:

1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.

Each state establishes its own requirements for the profession. There are no parallel federal rules or standards set by a state or national licensing agency or accreditation association.

A. Are these rules required by state law or federal mandate?

The rules are required to be promulgated under state law by MCL 339.205, MCL 339.308, and MCL 339.2009 and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 339.3501, MCL 445.2001, MCL 445.2011, MCL 445.2030.

B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.

The proposed rules do not exceed a federal standard or law.

2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.

The regulation of professional surveyors in Michigan is required under Article 20 of the Occupational Code, 1980 PA 299, MCL 339.2001 to 339.2014. The proposed rules provide requirements for licensure of professional surveyors. All 7 states in the Great Lakes region have regulations for the licensure or registration of professional surveyors. The licensure or registration requirements differ from state to state, but, overall, the standards in the proposed rules do not exceed those of other states in the Great Lakes region.

Part 1 of the proposed rules includes definitions of terms used in the rule set. All states in the Great Lakes region define certain terms that are used in its administrative regulations to aid in understanding the regulations.

Part 2 of the proposed rules provides requirements for satisfying the education, experience, and examination

components for licensure under the Occupational Code. The proposed rules require an applicant for professional surveyor licensure to satisfy the educational requirement of the Occupational Code by submitting 1 of the following:

- Transcripts verifying that he or she received a bachelor's degree or higher degree in a surveying program accredited by the Engineering Accreditation Commission of the Accreditation Board for Engineering and Technology, Inc. (EAC/ABET), the Engineering Technology Accreditation Commission of ABET (ETAC/ABET), or the Applied and Natural Science Accreditation Commission of ABET (ANSAC/ABET).
- A National Council of Examiners for Engineering and Surveying (NCEES) credentials evaluation that verifies he or she received a bachelor's degree or higher degree and meets the NCEES surveying core program requirements found in the NCEES Surveying Education Standard.
- A credentials evaluation that verifies he or she received a bachelor's degree or higher degree in surveying from an educational program that is substantially equivalent to a bachelor's degree or higher degree program that is accredited by EAC/ABET, ETAC/ABET, or ANSAC/ABET. The credentials evaluation must be generated by a company that is a current member of the National Association of Credential Evaluation Services (NACES).

The proposed rules also clarify the requirements an applicant must meet to receive credit for professional surveying experience based on work experience and educational experience. An applicant who holds a degree from an accredited program or its equivalent is granted credit for 4 years of experience for a bachelor's degree and 1 year of experience for a post-baccalaureate degree. In addition, an applicant who obtains work experience is granted credited based on either of the following:

- Obtaining not less than 4 years of experience practicing as a licensed or registered professional surveyor in another state.
- Performing qualifying surveying work under the direction of a licensed or registered professional surveyor in Michigan or another state. Qualifying surveying work and the verification required for demonstrating completion of the work is listed under the proposed rules.

In addition, the proposed rules require an applicant for a professional surveyor license to achieve a passing score on the NCEES Fundamentals of Surveying Examination, the NCEES Principles and Practice of Surveying Examination, and the Michigan Professional Surveying Examination.

All states in the Great Lakes region have regulations that require applicants for professional surveyor licensure or registration to possess a surveying degree from approved programs or possess educational experience that is considered equivalent to an approved program. Unlike Michigan, Indiana and Wisconsin permit licensure and registration of applicants who obtained an associate's degree in surveying. Illinois, Minnesota, New York, Ohio, and Pennsylvania require at least a bachelor's degree in surveying from an approved program or a degree that is considered equivalent to an approved program. All states in the Great Lakes region require applicants to obtain professional work experience in professional surveying and pass the NCEES Principles and Practice of Surveying Examination and the NCEES Fundamentals of Surveying Examination. Each state in the Great Lakes region, except for Indiana and Pennsylvania, requires applicants to pass a state-specific examination in addition to the NCEES Principles and Practice of Surveying Examination and the NCEES Fundamentals of Surveying Examination. Indiana and Pennsylvania require passing only the NCEES Principles and Practice of Surveying Examination and the NCEES Fundamentals of Surveying Examination.

Part 3 of the proposed rules provides the requirements for becoming relicensed when a license has lapsed and the requirements pertaining to the seal of a professional surveyor. All states in the Great Lakes region require licensees or registrants to comply with relicensure or reregistration requirements when the license or registration has lapsed and set forth

A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.

The rules pertaining to licensure, license renewal, continuing education, and relicensure differ from state to state. Overall, the standards in the proposed rules do not exceed those of other states in the Great Lakes region, except as follows:

R 339.17201: This rule pertains to the criteria for determining acceptability of a bachelor's degree, criteria, and experience credit. The proposed rules require a minimum of a bachelor's degree for licensure. Indiana and Wisconsin permit licensure and registration of applicants who obtained an associate's degree in surveying. The proposed rule makes no change to the current rule that requires applicants to possess a minimum of a bachelor's degree. Furthermore, the majority of the states in the Great Lakes region require a bachelor's level degree for licensure or registration and the NCEES model law and rules recommend that states require a minimum of a bachelor's level degree for licensure or registration.

R 339.17203: This rule pertains to the examination requirement. The proposed rule requires the NCEES Principles and Practice of Surveying Examination, the NCEES Fundamentals of Surveying Examination, and the Michigan Professional Surveyor Examination. Indiana and Pennsylvania require applicants to pass the NCEES Principles and Practice of Surveying Examination and the NCEES Fundamentals of Surveying Examination but do not require passing a state-specific examination. The proposed rule makes no change to the current practice of the department requiring applicants to pass the Michigan Professional Surveyor Examination. Furthermore, the majority of the states in the Great Lakes region require passing a state-specific examination for licensure or registration and the NCEES model law and rules recommends that states require a state-specific examination for licensure or registration.

3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with the proposed rules.

A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.

No coordination was needed because there are no other federal, state, and local laws that are applicable to the same activity or subject matter of the proposed rules.

4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(8) does not apply because the federal government has not mandated that Michigan promulgate rules pertaining to the regulation of licensed professional surveyors.

5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.

MCL 24.232(9) does not apply because there the federal government does not have standards pertaining to the regulation of licensed professional surveyors.

6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.

The Occupational Code requires an applicant for professional surveyor licensure to provide evidence of a degree in professional surveying or a related degree that includes professional surveying courses acceptable to the board, pass the professional surveying fundamentals and professional practice examinations, be of good moral character, and provide documentation of at least 8 years of professional experience in professional surveying satisfactory to the board, including no more than 5 years of education.

The proposed rules reflect the evidence that is acceptable to the board for demonstrating compliance with the licensure requirements in the areas over which the Occupational Code grants the board such discretion. The proposed rules are designed to clearly state the documentation that an applicant must submit to satisfy the licensure requirements. In addition, the proposed rules clarify the license renewal, continuing education, and relicensure requirements to add certainty and assist licensees with complying with the requirements.

R 339.17101: This rule pertains to definitions used in the rule set. The proposed rule is designed to add definitions to clarify the meaning of terms used in the proposed rules.

R 339.17201: This rule pertains to the criteria for determining acceptability of a bachelor's degree, criteria, and experience credit. The proposed rule is designed to clearly identify the accreditation that must be held by an educational program granting degrees that are acceptable for licensure and provide transparency regarding the criteria that is used for determining whether a degree granted by a nonaccredited educational program is acceptable for licensure.

R 339.17202: This rule pertains to the experience requirements for licensure. The proposed rule is designed to provide greater clarity pertaining to the type of work that qualifies as professional experience, the amount of professional experience credit that is granted for an educational degree, and the documentation that is required to receive credit for professional experience.

R 339.17203: This rule pertains to the examination requirement. The rule identifies 2 exams, but 3 exams are required for licensure. The proposed rule is designed to provide greater clarity of the requirements that must be met to satisfy the examination requirements under the Occupational Code by identifying the name of all 3 exams that are required for licensure, the entity that administers the exams, and how a passing score is determined.

R 339.17301: This rule pertains to the requirements of a professional surveyor's seal. The proposed rule requires a professional surveyor's seal to include the licensee's full name and license number and provides an updated sample seal design. Currently, many licensees use seals that contain only the last 5-digits of the licensee's license number. The department's license verification system does not allow for a license verification based on the last 5-digits of a license. The proposed rule is designed ensure that a licensee's seal includes adequate identifying information for allowing the public to verify the status of a professional surveyor's license.

R 339.17303: This proposed rule pertains to relicensure. The proposed rule is designed to clarify the different requirements for relicensure for licensees whose license has lapsed for less than 3 years and for licensees whose license has lapsed for 3 years or more.

R 339.17505: This rule pertains continuing education and license renewal requirements. The proposed rule is designed to provide greater clarity of the requirements for license renewal and to add requirements pertaining to a request for a continuing education waiver.

R 339.17506: This rule pertains to acceptable continuing education. The proposed rule is designed to clearly identify activities that qualify for continuing education, the documentation that is required to demonstrate completion of the activity upon audit, and the limitations for receiving credit in qualifying continuing education activities.

A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.

The proposed rules are being updated to reflect the evidence that is acceptable to the board for demonstrating compliance with the licensure requirements under the Occupational Code as it relates to areas over which the Occupational Code grants the board such discretion. The proposed rules should provide greater clarity to licensees regarding compliance with requirements under the proposed rules and the Occupational Code.

B. Describe the difference between current behavior/practice and desired behavior/practice.

Updating the requirements for licensure, clarifying the documentation that is required to satisfy the licensure requirements, and providing additional detail related to renewal, continuing education, and relicensure requirements helps provide clarity and certainty of the rules. These proposed changes will make compliance easier for applicants and licensees.

C. What is the desired outcome?

The desired outcome is to provide greater clarity to applicants and licensees to assist them with complying with the licensure requirements under the Occupational Code. By making improvements and clarifications to the rules, applicants and licensees should find compliance easier. In addition, the proposed rules should result in fewer questions, fewer regulatory problems, and aid with protecting public safety.

7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.

The proposed rules are designed to eliminate ambiguity regarding the documentation that is acceptable to satisfy the licensure requirements of the Occupational Code. In the absence of the proposed rules, applicants and licensees are more likely to misunderstand the licensure requirements and will not be made aware of all of the criteria used by the department for determining compliance with the rules.

A. What is the rationale for changing the rules instead of leaving them as currently written?

The proposed rules primarily update the previously adopted rules and eliminate ambiguous and outdated requirements to provide applicants and licensees with greater clarity that will assist them with understanding and complying with the requirements under the rules.

8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.

The proposed rules provide regulatory requirements pertaining to licensure for the practice of professional surveying. To protect Michigan's citizens, it is important for the proposed rules to provide licensees with clarity regarding licensure requirements.

9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.

R 339.17507: This rule pertains to the hours of continuing education required for renewal. The rule is being rescinded because amended requirements pertaining the required continuing education hours will be moved under R 339.17505.

R 339.17508: This rule pertains to the determination of credit and record keeping of continuing education hours. The rule is being rescinded because amended requirements pertaining the determination of credit and record keeping of continuing education hours will be moved under R 339.17505 and R 339.17506.

R 339.17509: This rule pertains to the process for auditing a licensee's completion of the continuing education requirements. This rule is being rescinded because amended requirements pertaining to auditing continuing education hours will be moved under R 339.17505 and R 339.17506.

10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).

There is no fiscal impact expected on the agency for promulgating the proposed rules.

11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.

No agency appropriation has been made and no funding source has been provided for any expenditures associated with the proposed rules.

12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.

The proposed rules are required by statute to provide regulatory requirements related to the practice of professional surveying. The proposed rules are written to impose no more burden on individuals than is necessary to accomplish the statutory requirement of providing the rules. There is no identified burden on individuals as a result of the proposed rules.

A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.

There is no identified burden on individuals as a result of the proposed rules.

13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.

The proposed rules are not expected to increase or decrease revenues to other state or local government units or increase or reduce costs on other state or local governmental units. The proposed rules are not expected to increase or decrease revenues to other state or local government units or increase or reduce costs on other state or local governmental units.

14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.

The proposed rules do not impose any program, service, duty, or responsibility upon any city, county, town, village, or school district.

A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.

The proposed rules do not impose any program, service, duty, or responsibility upon any city, county, town, village, or school district.

15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.

The proposed rules do not require state or local governmental units to make additional expenditures. Therefore, no appropriation or funding source is necessary.

16. In general, what impact will the rules have on rural areas?

The proposed rules are not expected to have an impact on rural areas.

A. Describe the types of public or private interests in rural areas that will be affected by the rules.

Public or private interests in rural areas are not expected to be affected because the proposed rules do not impact rural areas.

17. Do the proposed rules have any impact on the environment? If yes, please explain.

The proposed rules do not have any impact on the environment.

18. Describe whether and how the agency considered exempting small businesses from the proposed rules.

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's practice qualified as a small business, the proposed rules are not expected to have an impact on his or her small business and the department could not exempt his or her small business because it would create disparity in the regulation of the profession.

19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.

The proposed rules impose requirements on individual licensees rather than small businesses. The proposed rules will have little to no economic impact on individual licensees. As a result, even if a licensee's practice qualified as a small business, the proposed rules are not expected to have an economic impact on his or her small business.

A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.

The proposed rules are not expected to have an economic impact on small businesses. The proposed rules affect individual licensees.

B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.

The department does not collect or have access to information that would allow it to identify and estimate the number of small businesses that may be affected. It is not possible to estimate the number of small businesses affected by the proposed rules.

C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.

Because the proposed rules pertain to individuals and not small businesses, there are no differing compliance or reporting requirements or timetables for small businesses. They are unnecessary for the proposed rules.

D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.

The department did not establish performance standards to replace design or operation standards because they are unnecessary for the proposed rules.

20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.

The proposed rules are not expected to have a disproportionate impact on small businesses because of their size or geographic location.

21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.

The proposed rules do not require any reports to comply with the proposed rules.

22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.

There are no costs of compliance expected for small businesses because the proposed rules affect individual licensees and not small businesses.

23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.

The proposed rules apply to individuals and not small businesses. Therefore, there is no estimated cost for legal, consulting, or accounting services that small businesses would incur.

24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.

Since the rules affect individual licensees rather than small businesses, the rules are not expected to cause economic harm or adversely affect a small business' competition in the marketplace.

25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's practice qualifies as a small business, the department cannot exempt his or her small business because it would create disparity in regulation of the profession. Therefore, exempting or setting lesser standards of competence for small businesses is not in the best interest of the public.

26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.

The proposed rules impose requirements on individual licensees rather than small businesses. Even if a licensee's practice qualifies as a small business, the department cannot exempt his or her small business because it would create disparity in regulation of the profession. Therefore, exempting or setting lesser standards of competence for small businesses is not in the best interest of the public.

27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.

The proposed rules were developed in consultation with, and approval of, the Michigan Board of Professional Surveyors, whose members include employees of small businesses. However, the department did not involve any other small businesses in the development of the proposed rules because the proposed rules impose requirements on individual licensees rather than small businesses.

A. If small businesses were involved in the development of the rules, please identify the business(es).

The proposed rules were developed in consultation with, and approval of, the Michigan Board of Professional Surveyors, whose members include employees of small businesses. However, the department did not involve any other small businesses in the development of the proposed rules because the proposed rules impose requirements on individual licensees rather than small businesses.

28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.

There is no estimated compliance cost with these proposed rules on businesses or groups.

A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.

No businesses or groups will be directly affected or benefited by the proposed rules. No additional costs will be imposed on any businesses or groups.

B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.

No additional costs will be imposed on any businesses or groups.

29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.

The proposed changes for R 339.17301 may require licensees to obtain a new seal, if the licensee's seal does not contain the licensee's full name and license number. Many licensees only use the last 5 digits of their license. The estimated cost for obtaining a new seal ranges from as low as \$15.00 to as high as \$50.25.

The proposed rules make no changes to compliance costs that are different than the actual cost of compliance imposed under current statutes and rules. Licensure and applications fees are established by statute under the State Licensee Fee Act, 1979 PA 152, MCL 338.2201 to 338.2277.

A. How many and what category of individuals will be affected by the rules?

All individuals applying for a license in this state will be affected.

B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?

There are no other qualitative or quantitative impacts as it relates to the actual statewide compliance costs of the proposed rules because the proposed rules are not expected to increase or decrease costs for education, training, experience, application fees, examination fees, or licensure fees.

30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

There are no cost reductions for businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear and concise language allows the public and licensees to better understand the requirements for licensure.

32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.

The proposed rules are not expected to have a significant impact on business growth, job growth, or job elimination.

33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

The department does not expect any individuals or businesses to be disproportionately impacted by their industrial sector, segment of the public, business size, or geographic location.

34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.

Illinois: <https://www.idfpr.com/profs/LandSurv.asp>

Indiana: <https://www.in.gov/pla/surveyor.htm>

Minnesota: <https://mn.gov/aelslagid/landsurveying.html>

New York: <http://www.op.nysed.gov/prof/pels/lsvrlc.htm>

Ohio: <https://www.peps.ohio.gov/>

Pennsylvania:

<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/EngineersLandSurveyorsandGeologists/Pages/default.aspx>

Wisconsin: <https://dsps.wi.gov/pages/Professions/LandSurveyorProfessional/Default.aspx>

National Council of Examiners for Engineering and Surveying: www.ncees.org

Cost of a new seal:

<https://www.simplystamps.com/mi-surveyor>

<https://www.stamp-connection.com/selectproduct.aspx?designId=tmp141YDO>

A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.

No estimates were made because the proposed rules have no measurable economic impact on individuals, businesses, or governmental units of the state.

35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

A. Please include any statutory amendments that may be necessary to achieve such alternatives.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The regulation of professional surveyors is a state function, so a regulatory program independent of state intervention cannot be established. Although there are professional surveyor-related professional associations that could be considered regulatory mechanisms that are independent of state intervention, these organizations would provide the public with significantly less protection because membership in these organizations is voluntary and would not encompass all professional surveyors.

36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules. There were no alternatives that the department considered to achieve the intended changes. They are necessary for the administration and enforcement of the licensing process and practice of the profession.

38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.

The instructions for compliance are included in the rules.