

Commission on Local Government

Estimate of Local Fiscal Impact

2017 General Assembly Session

Bill: HB2145

Patron: LeMunyon

Date: 2/1/2017

In accordance with the provisions of §30-19.03 of the Code of Virginia, the staff of the Commission on Local Government offers the following analysis of the above-referenced legislation:

Bill Summary:

Provides for the licensure of land surveyor photogrammetrists by the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects. The bill defines "land surveyor photogrammetrists" and sets the criteria for their licensure.

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**Executive Summary:**

HB 2145 provides, defines and sets criteria for the licensure of land surveyor photogrammetrists, professional engineers, certified interior designers, and landscape architects. Localities have evaluated a negative fiscal impact ranging from \$0.00 - \$135,000.00. Localities noted that the provisions of the bill would increase the costs of their GIS Department staff to perform their regular duties because such work would be required to be performed by licensed land surveyor photogrammetrists. Such licensing requirement could create unnecessary barriers to the provision and creation of maps, because such work would require a licensed professional. Additionally, there are concerns that the limited number of available licensed photogrammetrists in the Commonwealth could potentially cause strain in performing standard work and lead localities to outsource to such licensed professionals at a higher costs. While, some localities noted that the costs are indeterminate but anticipate an increase in costs due to obtaining and renewing licenses for staff. Other localities noted that the bill would have no or minimal fiscal impact.

Note: This bill is identical to SB 1572.

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**Local Analysis:**

**Locality:** City of Danville

**Estimated Fiscal Impact:** \$135,000.00

If the current disclaimer provisions are stricken from the law, our GIS/Mapping Division would not be able to perform much of their basic, regular, daily, work. In Danville, we would need to hire multiple land surveyor photogrammetrists to perform newly restricted work tasks – work that has been a regular GIS and Mapping activity that has been performed efficiently and effectively for years. According to the bill, any work determining “topography, contours, or location of planimetric features” would need to be done by a licensed photogrammetric surveyor or surveyor. By deleting the exemptions the proposed changes strip away the important text that identifies where a surveyor is truly required to be involved and where a surveyor does not have a role. The changes make no distinction as to the purpose of the work (which should be for documents used for “design, modification, or construction of improvements to real property or for flood plain determination...”) In reality GIS/Mapping staff use many of the same techniques, but that work is not for areas noted above.

Localities may have to terminate some existing GIS and Mapping positions, even though these employees have been regularly working with topography, contours, location of ground features, and utilization of photogrammetric methods and similar remote sensing technology for general planning purposes and for supporting multiple city departments, which is all non-surveying work. The exception provisions for non-licensed GIS employees and disclaimer must remain in the code to allow for the type of work all GIS and Mapping Departments regularly perform their duties. This will create unnecessary barriers in the provision of services to both internal departments (including our Economic Development team which utilizes maps for recruitment) and external customers. The creation of maps may take longer and ultimately cost more. There is also clarification that is needed: is it the maps, or the maps and data must come from a licensed surveyor or photogrammetrist? The language seems unclear. Additionally, according to the Department of Planning and Budget’s fiscal impact statement, there are only 130 licensed photogrammetrists in the Commonwealth. This could potentially cause a strain in getting the day-to-day work of a municipality since the potentially employees are so few. Should this need to be outsourced, the costs may be even higher. The fiscal impact represents the hiring of these positions.

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Locality: City of Harrisonburg

Estimated Fiscal Impact: \$0.01

Not able to determine exact fiscal impact as the proposed legislation could impact our GIS operations in a number of city departments. Many folks in the Virginia GIS community are interpreting that the legislation is taking away their ability to perform GIS related work unless they become licensed as a "Land Surveyor Photogrammetrist". If approved, there could be a small fiscal impact as our GIS staff may be required to be "licensed" somehow. The city would not support this legislation.

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**Locality:** City of Lynchburg

**Estimated Fiscal Impact:** \$1.00

There is no impact for the City of Lynchburg.

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Locality: City of Manassas

Estimated Fiscal Impact: \$0.01

No impact to Manassas.
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**Locality:** City of Martinsville.

**Estimated Fiscal Impact:** \$0.01

No estimated fiscal impact to the City of Martinsville

**Locality:** City of Norfolk

**Estimated Fiscal Impact:** \$0.00

No local financial impact anticipated.

**Locality:** City of Winchester

**Estimated Fiscal Impact:** \$1.00

No impact

**Locality:** Fairfax County.

**Estimated Fiscal Impact:** \$1.00

This bill requires the use of photogrammetrics in land surveying to be performed under the direct control and supervision of a licensed land surveyor or photogrammetrist. While the exact number is unclear, the fiscal impact will be the cost of obtaining and renewing licenses for supervisory staff.

**Locality:** Henrico County

**Estimated Fiscal Impact:** \$0.01

This bill would have minimal impact.

**Locality:** King George County

**Estimated Fiscal Impact:** \$100,000.00

This bill would require the locality to hire a Virginia licensed land surveyor to input any information into the County GIS system which would be very costly.

**Locality:** Mecklenburg County

**Estimated Fiscal Impact:** \$50,000.00

Currently the County uses staff at our Planning District Commission for this type of work. They perform planning materials for Mecklenburg, Halifax and Brunswick Counties. They also perform GIS mapping for our 911 centers. We would have to fire our GIS tech and hire surveyors for this work or just not perform it. The implications are that much of our work would need to be done by licensed surveyor photogrammetrists. According to the bill, any work determining "topography, contours, or location of planimetric features" would need to be done by a licensed photogrammetric surveyor or surveyor. By deleting the exemptions the proposed changes strip away the important text that identifies where a surveyor is truly required to be involved and where a surveyor does not have a role. The changes make no distinction as to the purpose of the work (which should be for documents used for "design, modification, or construction of improvements to real property or for flood plain determination...". The proposed changes say when using photogrammetric techniques, but that has no definition and opens a whole new avenue of contention. In reality GIS and mapping staff use many of the same techniques and technologies and photogrammetric methods, but that work is not for areas noted above. Our local government activity is not for any type of legal representation or to provide exact precision measurements, etc.

We have been including the required text on our official property and zoning maps. Simply put – our GIS maps and models are a representational product used for general information or planning or customer service improvements or business process efficiency purposes supporting a myriad of county business functions and purposes. All agree that legal survey work must be performed by a licensed surveyor to provide the basis for design, modification, or construction of improvements to real property.

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Locality: Town of Boones Mill

Estimated Fiscal Impact: \$1.00

No direct fiscal impact on small towns such as Boones Mill.

There might be an indirect effect of increased cost for these services given the burden of licensing.

I tend towards skepticism of many occupational licenses. Certified Interior Designer? Hairdresser? These call fall safely in the camp of "let the buyer beware," especially in the age of Yelp and Angie's List. The public welfare risk just isn't as high as with professional engineers and physicians. So the state regulatory board looks like a simple barrier to entry, protecting incumbents, reducing supply, and increasing price. I'm a free market hawk on this one.

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