

Jobs Creation Committee
Minutes from June 17, 2015 Meeting

Call to Order & Establishment of Quorum

The Jobs Creation Committee (JCC) meeting was called to order by Chairman Nick Rhoad on Wednesday, June 17th, 2015 in Conference Room W064 at 1:06 PM.

JCC Members Present:

Joe Habig
Barbara Quandt
Dr. Matt Will
Richard Wilson
Nicholas Rhoad
Timothy Reed

IPLA Staff Members Present:

Nick Goodwin

Review & Adoption of the Agenda and June 2nd Meeting Minutes

No minutes for this portion of the meeting.

Old & New Business:

Col. Wilson wanted the JCC to discuss the idea of creating a working capital fund for the IPLA to allow the agencies to set fees for individual licenses based on how much it actually costs to oversee the profession. Col. Wilson believes that this would make the IPLA more efficient, give more power to board directors to be creative with funds received from licensing fees, and ultimately put more pressure on professional organizations to keep their examination fees reasonable to keep overall licensing costs reasonable. He also believes it would promote government transparency, since any surplus from a licensing board would indicate that the licensing fees for a profession are too high and need to be lowered. He further explained that he believes it would give IPLA the leverage to possibly offer services to other state agencies that oversee other professional licensing programs. Col. Wilson would like to see language in the JCC's final recommendation about these ideas. Mr. Rhoad requested a motion to include Col. Wilson's ideas into the JCC's recommendation. Dr. Will mentioned that while he is interested in Col. Wilson's ideas, he would like to thoroughly read over the final draft of the JCC's report before he votes on it. Mr. Rhoad suggested that the JCC hold off on passing a motion for the JCC to adopt it as a recommendation but to include Col. Wilson's draft in the report as a document for consideration.

—

*****All preliminary recommendations adopted by the Jobs Creation Committee in this meeting are not final. Per IC 25-1-16-14, the Jobs Creation Committee shall seek public input at a future public meeting regarding the JCC's proposed changes to certain regulated occupations, and an addendum will be added to the annual report after the public has an opportunity to provide said input.*****

—

Architects/Landscape Architects Recommendation:

Mr. Rhoad proposed that the JCC discuss the recommendation for architects first. Based on the score sheet and other factors discussed by the JCC, the draft of the report states that the JCC recommends that the state should continue to license architects due to public safety factors and maintaining reciprocity with other states. The JCC does not recommend that the state continue to license landscape architects. Ms. Quandt raised issue with the JCC making a recommendation about landscape architects, and she suggested that the JCC wait until they could hear more testimony from professional organizations and

education programs for landscape architects to give them a chance to answer any additional questions from the JCC. Mr. Rhoad elaborated that based on the minutes from previous meetings, the JCC wanted to look into the high fees associated with the architects and landscape architects licenses. Mr. Rhoad asked for a motion that the landscape architect recommendation be tabled until more testimony could be heard on the profession from additional stakeholders. Mr. Reed motioned, and Mr. Habig seconded his motion. With no opposition, the motion carried 5-0.

Home Inspectors Recommendation:

The JCC's drafted recommendation concluded that this profession should not continue to be regulated by the state. It was noted in discussion by the JCC that a consumer rarely chooses who their home inspector is or the company they work for as their real estate broker working on behalf of the consumer typically chooses the individual. Private sector and marketplace economic principles will weed out bad actors, and the government's involvement in licensing these individuals is unnecessary. Mr. Rhoad asked the JCC for a motion to approve this recommendation. Dr. Will motioned, and Mr. Reed seconded. With no opposition, the motion carried 5-0.

Engineers Recommendation:

The draft JCC recommendation discussed by the JCC states that Indiana eliminates the State Board of Registration for Professional Engineers. It also states that the PLA no longer oversee or administer engineering licenses. According to data provided by the Attorney General's Office, only one engineer has had their license revoked since 2008. It is the JCC's opinion that there is adequate regulatory oversight from other government agencies when it comes to the work performed by the engineer in their construction/design. Mr. Rhoad asked the JCC for a motion to accept this recommendation. Col Wilson motioned to adopt the JCC's recommendation for engineer profession, and Dr. Will seconded. With no opposition, the motion carried 5-0.

Professional Surveyors Recommendation:

Dr. Will commented that the preliminary recommendations being adopted are both for the boards and the individual licenses administered by the boards/PLA. Mr. Rhoad stated that the General Assembly is looking to the JCC to provide them with as much guidance as possible in the review of the PLA's licensing boards. The JCC is charged with making recommendations for each license type, helping to serve as a base of discussion for future legislative session.

The JCC discussed the metrics for professional surveyors and recommends that the state no longer license professional surveyors. The JCC found very little potential, established harm to consumers under this profession and that the profession would be a great candidate for the newly established self-certification registry. Dr. Will first motioned to separate the draft recommendation for each professional surveyor license. Col. Wilson seconded the motion. Without opposition, the motion carried 5-0.

Dr. Will then requested a second motion for the draft recommendation to be to continue to license professional surveyors but to eliminate all other associated licenses within the profession. Dr. Will suggested that there is a common interest for county surveyors and county clerks' offices in maintaining records and keeping professional surveyors licensed by the state. Col. Wilson seconded the motion. Without opposition, the motion carried 5-0. Mr. Reed explained that deregulating professional surveyors would force the Legislature to change the laws surrounding the county surveyor election requirements. Dr. Will mentioned that he believes it makes sense to regulate the professionals who are responsible for maintaining important public records of property boundaries.

Manufactured Home Installers Recommendation:

The draft JCC recommendation is to make no changes to the Manufactured Home Installer Licensing Board or the licenses administered by the board/PLA. Due to federal mandates requiring either the state

or the federal government run a licensing program for manufactured home installers, the JCC finds it persuasive that Indiana continues to be the main regulator. Mr. Reed proposed a motion to accept the recommendation, and Col. Wilson seconded. Without opposition, the motion carried 5-0.

Private Investigators/Security Guards Recommendation:

The draft JCC recommendation for this board and licensees is for the continued state licensure of the profession, but the recommendation suggests that the Indiana State Police or Department of Homeland Security should oversee the profession instead of the IPLA due to access to vulnerable citizens and potentially sensitive information gathered in the practice of the profession.

The JCC also recognizes that oversight by state law enforcement is important because children or other vulnerable citizens could easily mistake a uniformed security guard for a police officer. Dr. Will expressed concerns about private investigators working for insurance companies and how those professionals need to be regulated. He believes that oversight by ISP could negatively impact the private investigators who work for insurance companies. Dr. Will would like to see the entire private investigator license eliminated with no state oversight at all.

Col. Wilson suggested that the JCC table this recommendation because he believes that the State Police shouldn't need to license mall security guards who don't carry weapons. He believes that the JCC should only be interested in state oversight of those individuals carrying firearms in a security capacity. Col. Wilson motioned to table the drafted recommendation for further discussion and get more information from stakeholders and the public. Dr. Will seconded. With none opposing, the motion carried 5-0.

Funeral/Cemetery Service Recommendation:

The draft JCC recommendation suggests maintaining the current level of state oversight of this license, except for the elimination of the funeral director intern license. It was discussed that funeral director interns in this profession are always under the immediate and direct supervision of a fully licensed professional in this field, so requiring that the intern be licensed is unnecessary and redundant.

Dr. Will asked the JCC for the definition of a certificate of authority in this profession. A member of the Indiana Funeral Directors Association explained that a certificate of authority issued by the state gives funeral homes the authority to sell pre-need packages to consumers. Dr. Will recommended that the intern license, funeral home license, CE provider license, and certificate of authority license in this profession be eliminated. Dr. Will motioned to remove licensure for these previously mentioned licenses.

Mr. Rhoad suggested that the JCC instead separate each license in the profession and vote on them individually. Mr. Rhoad motioned to remove the license for funeral home intern. Mr. Reed seconded. With no opposition, the motion carries 5-0.

Mr. Rhoad motioned to remove the license for funeral homes. Mr. Reed seconded. Mr. Rhoad opposed, but the motion still carried 4-1.

Mr. Rhoad motioned to remove the license for the certificate of authority. The motion wasn't seconded as further discussion was granted to Col. Wilson. Dr. Will motioned that the JCC modify the recommendation to allow anyone who falls under the Secretary of State's financial provider services category to sell pre-need packages. Dr. Will suggests that this will increase competition by giving consumers more choice in selecting a pre-need package, much in the way that consumers shop around for life insurance. Mr. Reed seconded. With no opposition, the motion carried 5-0.

Dr. Will motioned to eliminate the funeral branch license. Mr. Reed seconded. With no opposition, the motion carried 5-0.

Dr. Will motioned to eliminate the CE provider license. Mr. Reed spoke up about wanting to hear from the representative from Indiana Funeral Directors Association about their opinion of the state's regulation of CE providers. The representative in the audience explained that roughly 33 CE providers were found in violation of CE regulation over recent years. He believes that state regulation gives legitimacy to continuing education providers. Mr. Reed spoke up that he believes that when you stop regulating education, it ceases to exist. Mr. Rhoad asked for a motion to accept. With one opposition by Mr. Reed, the motion carried 4-1.

Hearing Aid Dealers Recommendation:

The drafted JCC recommendation for hearing aid dealer examiners was the elimination of the board and all license types. It was mentioned that consumers seeking hearing aids are already under the care of a physician and licensing this practitioner was redundant. Mr. Rhoad wanted to bring attention to the letter provided by a Colorado hearing aid dealer organization that explained the negative impacts experienced by consumers after Colorado deregulated the profession. Data received from the AG's office showed that only two hearing aid dealer licenses have been revoked since 2008 in Indiana, so the JCC feels that the threat of consumer harm is minimal. Col. Wilson mentioned that he believes that the market will take care of any unscrupulous hearing aid dealers that may arise. Col. Wilson motioned to adopt the drafted recommendation. Mr. Reed seconded. With no opposition, the motion carried 5-0.

Plumbers Recommendation:

The drafted JCC recommendation for the Indiana Plumbing Commission and the licenses administered are for the State to continue to license this profession, with the exception of the plumbing apprentice license. Plumbing apprentices are under the direct and immediate supervision and responsibility of a licensed journeyman plumber or plumbing contractor, so state oversight is redundant and unnecessary.

Dr. Will motioned to keep the contractor and journeyman plumber license and eliminate all other licenses. Col. Wilson wanted more discussion on the topic before furthering the motion.

Mr. Rhoad expressed his struggle to accept Dr. Will's proposal to eliminate corporate licenses for plumbers. Dr. Will believes that licensing the corporation is redundant as it is already a business entity that needs to be filed with the Secretary of State. Col. Wilson seconds Mr. Will's motion to eliminate corporate licenses for plumbers, leaving only the journeyman plumber, plumbing contractor and temporary plumbing contractor licenses. Mr. Rhoad abstained from the vote. With no other opposition, the motion carried 4-0.

Auctioneers Recommendation:

The draft JCC recommendation suggests eliminating the Indiana Auctioneer Commission and all auctioneer licenses. The JCC felt this profession would be a good candidate for the self-certification registry. Mr. Reed voiced concerns about auctioneers holding onto someone's high-value items. Dr. Will explained that when real estate is auctioned, they still have to use a real-estate broker to finalize the sale of the product. Dr. Will motioned to adopt the recommendation. Mr. Reed seconded. Mr. Rhoad abstained from the vote. With no other opposition, the motion carried 4-0.

Scheduling Board Presentations for the Rest of the Year

Col. Wilson thinks that reviewing eight professions/boards in the next year would be appropriate for the JCC. These newly reviewed boards would be on top of the boards where recommendations were adopted requiring further public comment and for the boards where more discussion was still needed before a recommendation could be issued.

The JCC would like to return to meeting on the third Thursday of scheduled months. It was agreed that there will be no meeting in July. The dates that the JCC agreed upon were August 20, 2015, September 17, 2015, April 21, 2016, May 19, 2016, June 2, 2016, and June 16, 2016.

Concluding Discussion by the JCC

No concluding discussion by the JCC was requested.

Adjournment

A motion to adjourn the meeting was introduced by Col. Wilson. Mr. Reed seconded the motion. The motion carried, and the meeting was adjourned at 2:54 PM.

Next Scheduled Meeting
August 20, 2015 at 9:00 AM
Indiana Government Center-South
402 West Washington Street, Room W064
Indianapolis, IN 46204