

## Testimony of Kathleen M Spilman, PE

Chairman and committee members:

My name is Kathleen Spilman. I am a Managing Director of Keitu Engineers & Consultants, Inc., a North Dakota based environmental and regulatory affairs consulting firm with its office in Mandan. Typically we have a staff of between 18-22 employees and have been in business since 2001, well before the current oil exploration boom.

I was born, reared and educated in this state. I am a registered professional engineer, licensed in North Dakota and two other states. I also have the distinction, somewhat dubious, of formerly being licensed practical nurse in North Dakota. I'll speak to that lesson in a moment.

I welcome the opportunity to provide input to this hearing regarding the practice of professional soil classifiers. I would like to raise awareness on three aspects of what the issues are from our firm's perspective.

FIRST - There is a competing, and often times mutually exclusive motivation between the need to have competent practitioners vs. an admittedly natural and understandable tendency by individuals to protect their livelihood, and/or protection by professionals of what they may perceive as a competitive advantage. Consider that there are less than 50 licensed soil classifiers for the entire state compared to what is now thousands of practicing professional engineers for the State.

SECOND - How do you replenish the profession? Licensing requirements have to be both PRACTICAL and REALISTIC otherwise the State risks not having enough practitioners to replace retirees or others who leave the practice. I speak specifically of the experience requirements. This concern is hugely important for three reasons unique to the soil classifier practice in North Dakota -- (1) limited number of practitioners under whom it is necessary to work under to qualify to even take the professional Exam; (2) the limited number of individuals graduating from formal educational programs which qualify for a more realistic 4 years of experience vs twice the amount i.e. 8 years for "non-majors" AND (3) the limited number of professional opportunities to work on projects to gain suitable experience. The county by county soil surveys have been completed. These large projects were largely responsible for the generations to the experience acquired by the handful of soil classifiers who are or have approached retirement age. But in today's environment, our firm frequently bids significantly lower on projects where we can offer actual field experience to our employees because those types of projects are few and far between. What constitutes a year? Two projects or 2,080 hours of experience? Let's revisit the ND nursing license qualification lesson of the late 1970s/1980s. While the intent was admirable, raising educational license requirements for practical and registered nurses had a severe impact on the number of individuals who qualified to take the licensure exam.

THIRD and FINAL - Clarification of when a licensed practitioner is required. In our particular practice area, the main challenge is to have qualified wetlands delineators on staff. About a third of the knowledge required, so I have been told, to correctly perform this work is soil science related however it is unclear to me whether or not, as defined

by the statute, a licensed soil classifier is required to perform this work. One could certainly make the case that a wetland's delineator is a "trade" and therefore qualifies for one of the existing exemptions. Again, for perspective, I have been told that soil science related to wetlands delineations constitutes only about 1/3 of the entire universe of soil science.

I would attempt to answer any questions you or other committee members may have.