

**2023 HOUSE INDUSTRY, BUSINESS AND LABOR**

**HB 1104**

# 2023 HOUSE STANDING COMMITTEE MINUTES

**Industry, Business and Labor Committee**  
Room JW327C, State Capitol

HB 1104  
1/4/2023

Relating to the registration and regulation of professional engineers and land surveyors.

1:43 p.m. Chairman Louser called the meeting to order

Members Present: Chairman Louser, Vice Chairman Ostlie, Representatives Boschee, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey

### **Discussion Topics:**

- Surety bond language, penalties, disciplinary actions
- Option to register by email or mail
- Timing of professional examination specific experience
- Code of ethics

In favor:

Matt Weeks, Board Member, ND State Board of Registration for Professional Engineers, and Land Surveyors #12312

Aaron Hummert, Chair of Legislative Committee, ND Society of Professional Land Surveyors #12331

Chairman Louser adjourned the meeting at 2.10 p.m.

*Diane Lillis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Industry, Business and Labor Committee Room JW327C, State Capitol

HB 1104  
1/10/2023

Relating to the registration and regulation of professional engineers and land surveyors.

Chairman Louser called the meeting to order 2:38 PM

Members Present: Chairman Louser, Vice Chairman Ostlie, Representative Boschee, Dakane, Johnson, Kasper, Koppelman, Ruby, Schauer, Thomas, Tveit, Wagner, Warrey

### Discussion:

- Fee structure
- Electronic filing
- Reserve Status

Representative Louser presented an amendment, #17852

Representative Ruby moved a do pass on the amendment.  
Representative Thomas seconded.

Roll call vote:

Representatives	Vote
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	N
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 11 yes, 3 no, 0 absent

Representative Ruby moves amendment to remove overstrikes on lines 2 and 3 on page 9.

Representative Thomas second

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	Y
Representative Ben Koppelman	Y
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 14 yes, 0 no, 0 absent

Representative Boschee moved do pass HB 1104 as amended,  
seconded by Representative Schauer

Roll call vote:

<b>Representatives</b>	<b>Vote</b>
Representative Scott Louser	Y
Representative Mitch Ostlie	Y
Representative Josh Boschee	Y
Representative Josh Christy	Y
Representative Hamida Dakane	Y
Representative Jorin Johnson	Y
Representative Jim Kasper	N
Representative Ben Koppelman	N
Representative Dan Ruby	Y
Representative Austen Schauer	Y
Representative Paul J. Thomas	Y
Representative Bill Tveit	Y
Representative Scott Wagner	Y
Representative Jonathan Warrey	Y

Motion passed 12 yes, 2 no, 0 absent

Representative Schauer will carry the bill.

Chairman Louser adjourned the meeting at 2:51 PM

*Diane Lillis, Committee Clerk*

January 10, 2023

JA 1/11/23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1104

Page 7, line 23, remove the overstrike over "~~The registration fees may not~~"

Page 7, line 24, remove the overstrike over "~~exceed the amount of one hundred~~" and insert immediately thereafter "fifty"

Page 7, line 24, remove the overstrike over "~~dollars for a one-year period or~~"

Page 7, line 24, after "~~two~~" insert "three"

Page 7, line 24, remove the overstrike over "~~hundred dollars for a~~"

Page 7, line 25, remove the overstrike over "~~two-year period.~~"

Page 8, line 30, after "sent" insert ", if the registrant has opted in to receive electronic renewal notices."

Page 9, line 2, remove the overstrike over "~~; not to exceed the fees established in section~~"

Page 9, line 3, remove the overstrike over "~~43-19.1-18~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1104: Industry, Business and Labor Committee (Rep. Louser, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Sixth order on the calendar.

Page 7, line 23, remove the overstrike over "~~The registration fees may not~~"

Page 7, line 24, remove the overstrike over "~~exceed the amount of one hundred~~" and insert immediately thereafter "fifty"

Page 7, line 24, remove the overstrike over "~~dollars for a one-year period or~~"

Page 7, line 24, after "~~two~~" insert "three"

Page 7, line 24, remove the overstrike over "~~hundred dollars for a~~"

Page 7, line 25, remove the overstrike over "~~two-year period.~~"

Page 8, line 30, after "~~sent~~" insert ", if the registrant has opted in to receive electronic renewal notices."

Page 9, line 2, remove the overstrike over "~~, not to exceed the fees established in section~~"

Page 9, line 3, remove the overstrike over "~~43-19-1-18~~"

Re-number accordingly

**2023 SENATE WORKFORCE DEVELOPMENT**

**HB 1104**

# 2023 SENATE STANDING COMMITTEE MINUTES

## Workforce Development Committee Fort Lincoln Room, State Capitol

HB 1104  
3/3/2023

Relating to the registration and regulation of professional engineers and land surveyors.

10:00 AM **Chairman Wobbema** called the hearing to order. **Senators Wobbema, Elkin, Larson, Sickler, Piepkorn** were present. **Senator Axtman** was absent.

### Discussion Topics:

- Surety bond
- Engineering and land surveying requirements
- Fee cap
- Expiration and renewal notifications
- Calcification code of ethics
- Language clarification
- Disciplinary process

10:02 AM **Matthew Weeks, Vice Chair, North Dakota State Board of Registration for Professional Engineers and Land Surveyors**, testified in favor. #21846

10:13 AM **John Ward, Attorney, representing ND State Board of Professional Engineers and Land Surveyors**, verbally testified in favor.

**Senator Sickler** moved **DO PASS**.  
**Senator D. Larson** seconded.

Roll call vote.

Senators	Vote
Senator Michael A. Wobbema	Y
Senator Michelle Axtman	AB
Senator Jay Elkin	Y
Senator Diane Larson	Y
Senator Merrill Piepkorn	Y
Senator Jonathan Sickler	Y

Motion passed 5-0-1.

**Chairman Wobbema** will carry HB 1104.

### Additional written testimony:

**Arron Hummert, PLS, Chair of the Legislative Committee, North Dakota Society of Professional Land Surveyors** in favor #21902

10:18 AM **Chairman Wobbema** closed the hearing.

*Patricia Lahr, Committee Clerk*



**REPORT OF STANDING COMMITTEE**

**HB 1104, as engrossed: Workforce Development Committee (Sen. Wobbema, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1104 was placed on the Fourteenth order on the calendar. This bill does not affect workforce development.

**TESTIMONY**

**HB 1104**



## North Dakota State Board of Registration for Professional Engineers and Land Surveyors

January 4, 2023

### Testimony of Matt Weeks **IN SUPPORT OF HB 1104** on behalf of the ND Board of Registration for Professional Engineers and Land Surveyors

Dear Chairman Louser and members of the House Industry, Business, and Labor Committee:

For the record, my name is Matt Weeks and I am a licensed professional land surveyor in the State of North Dakota. I am also a Member of the ND Board of Registration for Professional Engineers and Land Surveyors (NDPELS). I am here today in my capacity as a Board Member of the NDPELS.

HB 1104 is largely an update of the North Dakota Century Code Chapter regulating the licensure of Professional Engineers and Land Surveyors. We, the Board, urge a DO PASS on HB 1104.

During the interim in 2022, the NDPELS Board organized a legislative subcommittee made up of Licensed Professional Engineers and Land Surveyors to review NDCC Chapter 43-19.1. The subcommittee was composed of members of both the engineering and land surveying professions throughout the State of North Dakota. The subcommittee met several times over the course of the interim and came up with suggested changes to Chapter 43-19.1, which were adopted by the NDPELS Board.

I will take you through some of the changes to Chapter 43-19.1 in the Pre-filed Bill before you, as follows:

**Section 1** of HB 1104 updates the Definitions to include a definition of Executive Director.

**Sections 2, 3, 4, 9, and 10** update the language to refer to an Executive Director. **Section 2** also removes the requirement that a surety bond be maintained by the Board. It was determined that such a bond was not necessary as the Board is covered under the state's risk management fund. The final sentence of **Section 2** that is sought to be removed is related to the Board's ability to manage its budget. The Board responsibly manages its budget and this sentence was found superfluous.

**Section 5, 6 and 8** are a necessary update that is related to the changing manner in which engineering and land surveying exams are being offered. These exams are now being taken in an electronic format and the hours of these exams have changed. The National entities that create several of these exams, include the National Conference for Examiners of Engineering and Surveying (NCEES). Removing the hours specific language from the statute allows the NDPELS Board to adapt to changing exam lengths and national requirements without requiring a statutory change every time the NCEES changes the hours

attributed to a national exam. These changes provide uniformity in the engineer and land surveyor requirements in this chapter, as the land surveyors do not have an hourly requirement specified in this chapter.

**Section 7** enables the NDPELS Board to propose fee changes, deemed necessary due to economic impacts through the administrative code process in order to manage its budget without repeatedly revisiting the statute in every legislative session related to inflationary and other changes. It is worth noting that NDPELS is funded solely through its professional fees charged to registrants.

**Section 8** removes the experience requirement before an applicant can sit for a professional exam. This amendment does not remove the experience requirement in its entirety. This change is sought to encourage more recent graduates to pursue licensure sooner after graduation than later. It also encourages recent graduates to take exams while the information they learned at university is fresh in their minds. An applicant must meet the experience requirement prior to becoming licensed by the NDPELS Board.

**Section 10** is an update to allow for expiration and renewal notifications to be sent electronically to the registrant's email address.

**Section 11** provides clarifying language that specifies that the code of ethics applies to both individuals and business entities.

**Section 12** is an update that allows the NDPELS Board to resolve disciplinary matters through informal disposition as provided in the Administrative Agency's Practices Act under Chapter 28-32. **Section 12** also contains an update that allows the NDPELS Board to administer discipline in the event that a registrant fails or refuses to appear before the board by default procedure.

**Section 13** is an update to allow the Board to administer a civil penalty in disciplinary actions against a registrant for violations of Section 43-19.1-25 in an amount not to exceed \$2,500.00 per violation.

Finally, I thank you for your time and attention today and your service to our State. I am happy to answer any questions.

I urge a DO PASS on HB 1104.

Thank you.

On behalf of the Board,

Matt Weeks  
Board Member





NDSPLS ADMINISTRATIVE OFFICE  
PO Box 7370  
Bismarck, ND 58507  
Phone: 701-223-3184  
E-mail: [info@ndspls.org](mailto:info@ndspls.org)  
Website: [www.ndspls.org](http://www.ndspls.org)  
Date: January 3, 2023

**To: Chairman Louser, Members of the Industry, Business and Labor Committee.**

NDSPLS is made up of over 100 members, many of which are Registered Professional Land Surveyors who live and practice in the State of North Dakota. There are approximately 500 Registered Land Surveyors who are licensed to practice in ND. We are licensed and regulated by the North Dakota State Board of Registration for Professional Engineers and Professional Land Surveyors. Our mission and objective is: to unite all of the Professional Land Surveyors in the State of North Dakota; to elevate the standards of the surveying profession; to establish basic minimum standards and requirements for surveys; to assist in promoting legislative and educational programs to improve the professional status of the Land Surveyor; to work in cooperation with local, county, state, federal and tribal governments in our field of endeavor; to uphold a rigid code of ethics; to strive to improve our relations with our clients and the public by doing our work with precision and integrity; and to maintain a good relationship between Land Surveyors and Engineers.

**The North Dakota Society of Professional Land Surveyors is IN FAVOR of House Bill No. 1104.**

NDSPLS is supportive of the proposed bill. The changes envisioned per the bill are primarily housekeeping changes. Additionally, the consensus of our membership believes that the decoupling of the exam will encourage licensure and provide flexibility to applicants by allowing them the opportunity to take the exam throughout the year and at a time when they feel prepared to sit for the exam.

**Therefore, NDSPLS urges a DO PASS on House Bill No. 1104.**

Respectfully submitted,

Aaron Hummert, PLS  
Chair of the Legislative Committee  
North Dakota Society of Professional Land Surveyors

23.8134.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Louser  
January 10, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1104

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Page 8, line 30, after "sent" insert ", if the registrant has opted in to receive electronic renewal notices."

Re-number accordingly



## North Dakota State Board of Registration for Professional Engineers and Land Surveyors

March 3, 2023

### Testimony of Matt Weeks **IN SUPPORT OF HB 1104** on behalf of the North Dakota State Board of Registration for Professional Engineers and Land Surveyors

Dear Chairman Wobbema and members of the Senate Workforce Development Committee:

For the record, my name is Matt Weeks and I am a licensed professional land surveyor in the State of North Dakota. I am also a Member of the ND Board of Registration for Professional Engineers and Land Surveyors (NDPELS). I am here today in my capacity as a Board Member of the NDPELS.

HB 1104 is largely an update of the North Dakota Century Code Chapter regulating the licensure of Professional Engineers and Land Surveyors. We, the Board, urge a DO PASS on HB 1104.

During the interim in 2022, the NDPELS Board organized a legislative subcommittee made up of Licensed Professional Engineers and Land Surveyors to review NDCC Chapter 43-19.1. The subcommittee was composed of members of both the engineering and land surveying professions throughout the State of North Dakota. The subcommittee met several times over the course of the interim and came up with suggested changes to Chapter 43-19.1, which were adopted by the NDPELS Board.

While there are several areas that are addressed by this bill, the main purpose in the proposed changes is to streamline the licensure process for registrants, create more uniformity with national processes, and to clarify existing language.

I will take you through some of the changes to Chapter 43-19.1 in the Pre-filed Bill before you, as follows:

**Section 1** of HB 1104 updates the Definitions to include a definition of Executive Director.

**Sections 2, 3, 4, 9, and 10** update the language to refer to an Executive Director. **Section 2** also removes the requirement that a surety bond be maintained by the Board. It was determined that such a bond was not necessary as the Board is covered under the state's risk management fund. The final sentence of **Section 2** that is sought to be removed is related to the Board's ability to manage its budget. The Board responsibly manages its budget and this sentence was found superfluous.

**Section 5, 6 and 8** are a necessary update that is related to the changing manner in which engineering and land surveying exams are being offered. These exams are now being taken in an electronic format and the hours of these

exams have changed. The National entities that create several of these exams, include the National Conference for Examiners of Engineering and Surveying (NCEES). Removing the hours specific language from the statute allows the NDPELS Board to adapt to changing exam lengths and national requirements without requiring a statutory change every time the NCEES changes the hours attributed to a national exam. These changes provide uniformity in the engineer and land surveyor requirements in this chapter, as the land surveyors do not have an hourly requirement specified in this chapter.

**Section 7** increases the allowable fee cap to be charged by the board by fifty dollars in a single year and one hundred dollars over the biennium. It is worth noting that NDPELS is funded solely through its professional fees charged to registrants.

**Section 8** removes the experience requirement before an applicant can sit for a professional exam. This amendment does not remove the experience requirement in its entirety. This change is sought to encourage more recent graduates to pursue licensure sooner after graduation than later. It also encourages recent graduates to take exams while the information they learned at university is fresh in their minds. An applicant must meet the experience requirement prior to becoming licensed by the NDPELS Board.

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Finally, I thank you for your time and attention today and your service to our State. I urge a DO PASS on HB 1104. I am happy to answer any questions.

Thank you.

On behalf of the Board,

Matthew Weeks, PLS, Vice Chair





NDSPLS ADMINISTRATIVE OFFICE  
 PO Box 7370  
 Bismarck, ND 58507  
 Phone: 701-223-3184  
 E-mail: [info@ndspls.org](mailto:info@ndspls.org)  
 Website: [www.ndspls.org](http://www.ndspls.org)  
 Date: March 3, 2023

**To: Chairman Wobbema, Members of the Senate Workforce Development Committee.**

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