

August 16, 2023

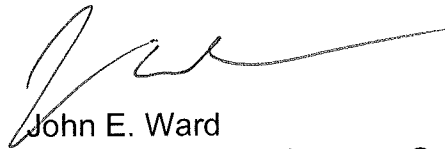
**Via Email to [lfordahl@ndlegis.gov](mailto:lfordahl@ndlegis.gov)**

Ms. Elizabeth Jane Fordahl  
Assistant Code Revisor  
North Dakota Legislative counsel  
State Capitol  
600 E Boulevard, 2<sup>nd</sup> Floor  
Bismarck, ND 58505-0360

Dear Ms. Fordahl:

The Notice of Intent to Amend Administrative Rules and a copy of the proposed rules are enclosed as required by N.D.C.C. § 28-32-10(1).

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Ward", with a long horizontal flourish extending to the right.

John E. Ward  
Special Assistant Attorney General

Encls.

## **FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES**

TAKE NOTICE that the North Dakota State Board of Registration for Professional Engineers and Land Surveyors will hold a public hearing to address proposed amendments to N.D. Admin. Code Title 28 from 4:00pm to 5:00pm on Monday, September 25, 2023, at 723 West Memorial Highway, Bismarck, ND 58504. The public may also participate in the public hearing by telephone at the following: Dial-in # (701)-557-7679; Conference ID# 821433.

The proposed Title 28 Amendments addresses the following rules:

### **28-01-02.1-04. Officers and board staff.**

The purpose of the proposed amendment is to done to provide the Board greater flexibility to integrate new Board members in the officer selection process, clarify expense documentation, and conform with the legislative change to NDCC 43-19.1-09 under HB 1104.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

### **28-01-02.1-05. Forms - Records - Roster - Reports.**

The purpose of the proposed amendment is to adopt rules in conformity with N.D. Cent. Code § 54-46-07 regarding record retention.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

### **28-01-02.1-07. Gender and definitions.**

The purpose of the proposed amendment is to clarify how licenses are placed in inactive status and to adopt changes to allow for full integration of applications and renewals online.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-01-01. Applications - Kinds of applications.**

The purpose of the proposed amendment is to implement a new process for an inactive registration.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-01-02. Completing applications.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-19 under HB 1104 related to the decoupling of experience and examination for applicants, to allow for full integration of applications and renewals online, and to update and clarify the application process for applicants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-01-04. Applications from applicants with degrees from foreign schools.**

The purpose of the proposed amendment is to update and clarify the application process for applicants with foreign degrees.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-01-05. Disposition of applications.**

The purpose of the proposed amendment is to update and clarify the application process for applicants and to provide a process to address deferred applications that have not been acted upon by the applicant within the required amount of time.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-01-07. Disposition of applications.**

The purpose of the proposed amendment is to update and clarify the application

process for applicants and to provide a process to address stale applications.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-02-01. Processing of applications.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-19 under HB 1104 related to the decoupling of experience and examination for applicants and to update and clarify the application process.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-03-01. Types of registration.**

The purpose of the proposed amendment is to update and clarify language regarding registration.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-04-01. General requirements.**

The purpose of the proposed amendment is to adopt changes to allow for full integration of applications online.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-04-02. Experience.**

The purpose of the proposed amendment is to update and clarify the requirement for twelve months of cadastral work experience.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-05-02. Qualifications and requirements - Professional engineer**

**by examination.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-19 under HB 1104 related to the decoupling of experience and examination for applicants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-06-02. Qualifications and requirements - Professional land surveyor by examination.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-19 under HB 1104 related to the decoupling of experience and examination for applicants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-07-02. Issuance of certificate of commercial practice.**

The purpose of the proposed amendment is to update and clarify the requirement for the reporting of disciplinary actions and maintaining foreign registration with the secretary of state.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-08-01. Certificates.**

The purpose of the proposed amendment is to allow for full integration of applications and renewals online and to provide a process for a registrant to opt in to receiving an electronic version of their certificate.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-08-03. Use of seals.**

The purpose of the proposed amendment is to update and clarify that a seal

must be dated to conform with NDCC 43-19.1-21.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-09-01. Expirations of certificates of registration.**

The purpose of the proposed amendment is to update and clarify that no number will be assigned to land surveyor or engineer interns and that such registrations will not expire.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-09-02. Renewals.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-22 under HB 1104 allowing a registrant to opt in to receive expiration and renewal notices by email.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-09-03. Reinstatements.**

The purpose of the proposed amendment is to implement a new process for an inactive registration and to clarify the process for reinstatement of registration.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-10-01. Examinations.**

The purpose of the proposed amendment is to adopt rules in conformity with legislative changes to N.D. Cent. Code § 43-19.1-19 under HB 1104 related to the decoupling of experience and examination for applicants and to update and clarify the examination and application process for applicants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-10-02. Fees.**

The purpose of the proposed amendment is to adjust fees consistent with other registration fees charged by the board.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-02.1-12-02. Affidavit.**

The purpose of the proposed amendment is to allow for full integration of applications and renewals online and to update and clarify the renewal process for retired registrants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-03.1-01-01. General statement.**

The purpose of the proposed amendment is to update and clarify language regarding entities being subject to the code of ethics.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-04-01-03. General requirements.**

The purpose of the proposed amendment is to update and clarify language regarding professional development hours and associated compliance audits.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-04-01-04. Recordkeeping.**

The purpose of the proposed amendment is to update and clarify language regarding professional development hours and recordkeeping by registrants.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-04-01-05. Qualifying activities.**

The purpose of the proposed amendment is to update and clarify language regarding professional development hours attributable to qualifying activities.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

**28-04-01-07. Exemptions.**

The purpose of the proposed amendment is to update and clarify language regarding continuing professional competency requirements related to reinstatement of a retired license to active practice.

The proposed amendment is not expected to have an impact on the regulated community in excess of \$50,000.

The proposed rules may be reviewed at the office of North Dakota State Board of Registration for Professional Engineers and Land Surveyors at 723 West Memorial Highway, Bismarck, ND 58504. A copy of the proposed rules and/or a regulatory analysis may be requested by writing the above address or calling 701-258-0786. The proposed rules may also be viewed on the website of the North Dakota State Board of Registration for Professional Engineers and Land Surveyors at ([ndpelsboard.org](http://ndpelsboard.org)). Written or oral comments on the proposed rules sent to the above address or telephone number and received by **October 5, 2023** will be fully considered.

If you plan to attend the public hearing and will need special facilities or assistance relating to a disability, please contact the North Dakota State Board of Registration for Professional Engineers and Land Surveyors at the above telephone number or address at least seven days prior to the public hearing.

Dated this **15<sup>th</sup> day of August, 2023.**

**Darcie Handt, Executive Director**