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2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1236

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1236

House Industry, Business and Labor Committee

Conference Committee

Hearing Date 1/21/03

Tape Number	Side A	Side B	Meter #
3		x	39.5-end
4	x		0.00-10.0
Committee Clerk Signature <i>Judith Hammer</i>			

Minutes: Chairman Kelsner opened the hearing on HB 1236.

Rep. Nancy Johnson introduced the bill on behalf of the ND State Board of Registration for Professional Engineers and Land Surveyors and spoke in behalf of this legislation.

Gary Arman, Chairman for the ND State Board of Registration for Professional Engineers and Land Surveyors, appeared in support of HB 1236. (See attached) This board maintains a legal reserve fund and is financially self sufficient.

Responding to Rep. Nottestad's question regarding Section 2 and why a specific dollar amount is not included, Arman said there was no way to anticipate what circumstances or hearings might be forthcoming. The board does not intend to use this for any punitive action. 90% of disciplinary actions are resolved by resolution rather than hearings.

Rep. Froseth questioned whether they have a formal procedure to follow when a complaint is filed for violation of ethics, to which Arman replied that yes, they have a very specific procedure, it provides as much protection as it possibly can. The complaint must be notarized

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Dorinda Baller
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and filed with the secretary of the board. A hearing must take place within 90 days. Legal investigations (the secretary of the board and one board member) committee acts upon the complaint. At the hearing evidence is presented to the remainder of the board who have not had prior access to the findings of the legal investigation and those three board members make a decision on the complaint.

Rep. Thorpe inquired when the original fee was put in place to which Arman replied that it was as least as far back as 1957.

Chairman Keiser questioned the fiscal note data and asked how many members are currently registered in ND with this board.. Arman said there would be no fiscal impact on the general fund. He stated that currently there are 2800-2900 registered engineers and land surveyors. 800 are residents of ND. At present they don't expect to increase registration fees.

Dennis Meyer, Past President of the National Council of Examiners for Engineers and Land Surveyors, testified favorably in support of HB 1236. (See attached)

Other favorable written testimony was submitted by the following persons on behalf of their professional organizations:

- Kevin Nelson, P.E./L.S.I.
- Larry Smith, RLS
- Jerold Backes, PE, President of ACEC/ND
- The Associated General Contractors of North Dakota
- Chapters 3 (Bismarck-Mandan) & 4 (Fargo-Moorehead) of ND Society of Professional Engineers

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As no one appeared in opposition to HB 1236, the hearing was closed. Rep. Klein moved a do pass, Rep. Kasper seconded the motion. The roll call vote was unanimous, 14-0-0.

Rep. Klein will carry this bill on the floor.

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FISCAL NOTE
 Requested by Legislative Council
 01/13/2003

Bill/Resolution No.: HB 1236

1A. State fiscal effect: Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$12,945	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. County, city, and school district fiscal effect: Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. Narrative: Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

Any present or future fiscal impact due to HB 1236 will affect only the North Dakota State Board of Registration for Professional Engineers and Land Surveyors. The Board of Registration operates on revenues collected from registered professional engineers and registered land surveyors and does not receive any general fund monies. The term future is being used because the bill does not call for any immediate action by the Board of Registration and the monetary measure of any future action taken by the Board of Registration cannot be determined at this time. The figures used in 1A represent the amount of increased revenues if the Board increases registration fees by \$5.00 per registrant per biennium. The Board is only asking that the registration fee caps be increased and does not anticipate increasing registration fees during this biennial period.

3. State fiscal effect detail: For information shown under state fiscal effect in 1A, please:

A. Revenues: Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

If the State Board of Registration raised registration fees, the increased revenues would be equal to the amount of the increase times the number of current active license holders. In a hypothetical example, if the State Board of Registration raised registration fees by \$5.00 per biennium for each of its 2,589 active license holders the revenue increase would be \$12,945.00. The fiscal impact of recovering legal costs associated with a disciplinary action where an adverse finding has been made is impossible to determine at this time as it is directly related to Board costs. In the past, disciplinary actions have incurred costs of \$400.00 to \$8,000.00.

B. Expenditures: Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

No expenditures are anticipated with HB 1235 nor will any FTE position be affected.

C. Appropriations: Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive

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budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

The State Board of Registration does not receive any general fund monies nor is its budget contained in the executive budget.

Name: Candle Robinson	Agency: North Dakota State Board of Registration for Professional Engineers and Land Surveyors
Phone Number: 701-258-0786	Date Prepared: 01/16/2003

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