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2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HCR 3070

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2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HCR 3070

House Industry, Business and Labor Committee

Conference Committee

Hearing Date February 26, 2003

Tape Number	Side A	Side B	Meter #
1	x		6.8-48.0
2	x		20.9-30.0
Committee Clerk Signature <i>Judith Hammer</i>			

Minutes: **Chairman Keiser** opened the hearing on HCR 3070.

**Rep. RaeAnn Kelsch**, District 34, introduced HCR 3070. She stated that this legislation is a compromise to HB 1204 that was heard and passed in the House of Representatives before Crossover. The intent of this resolution is to basically accomplish the same goal as HB 1204 but offers a proactive and realistic timetable to schedule the licensing of landscape architects. The AIA North Dakota Chapter, Board of Registration for Professional Engineers and Land Surveyors, The State Board of Architecture, The North Dakota Council of Engineering Companies, and the North Dakota Society of Professional Engineers are all in support of this resolution. All these organizations were opposed to HB 1204. The essence of this is contained in the last "whereas" which states that any future practice of architecture, engineering, land surveying and landscape architecture will require careful consideration of overlapping practice and practices distinct to each profession". She urged a do pass on HCR 3070.

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**Rep. Froseth:** What is the purpose of this resolution if HB 1204 passed in the House and will be heard in the Senate?

**Rep. Kelsch:** It still needs to happen because this has "more meat". It needs to be examined more closely than HB 1204.

**Rep. Severson:** What is the reason for the delayed action in here? HB 1204, if passed, will go right into law. Have the sponsors of HCR 3070 considered amending HB 1204?

**Rep. Kelsch:** Part of the reason is the fact that bill was opposed by so many groups. This gives a more realistic time table as to the implementation. Plus it gives more careful consideration into making sure there are no overlapping disciplines or overstepping of bounds. I suggest asking Ms. Staiger about the reasons for not considering amending HB 1204.

**Bonnie Staiger,** Executive Director of AIA North Dakota Chapter and Board Administrator of the State Board of Architecture, appeared to testify in support of HCR 3070. After distributing a sample of Astroturf for her testimony, she stated that this is not a turf war, it is about timing and responsible legislation. She noted that the language was changed by Legislative Council to read "shall study" rather than "would study". In two years, the two boards and three professional organizations will come forth with legislation that everyone can support.

**Rep. Kasper:** Where is the problem in HB 1204 that will be resolved with HCR 3070?

**Staiger:** We don't need to go into the list of problems inherent in HB 1204. I want to focus on the positive aspects of HCR 3070. I promise, we want to be proactive.

**Rep. Klein:** Do you have examples of combined registration from Iowa and other states that have combined registration?

**Staiger:** We can get that data and information. It will take time to gather it together.

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**Rep. Ekstrom:** An infinite amount of work indicates an infinite amount of time to get it done.

Do you have a timetable that will outline getting a reasonable bill together? Do you recall when the landscape architects approached the AIA, seeking licensure?

**Staiger:** The Board of Engineers and the Board of Architects are committed to have a bill in two years. My recollection is that two landscape architects approached the State Board in 1998. The Board declined that opportunity. Opening the statute was inadvisable at that time, as legislative hurdles can be formidable.

**Rep. Severson:** With HB 1204 in the Senate, and if this were to pass, you have the opportunity to provide amendments to delay that.

**Staiger:** I understand your concerns. We are committed to bringing you a bill that irons out all the problems and doesn't give the two boards legislation that is riddled with problems.

**Chairman Keiser:** What role do you see the Board of Engineering playing in this issue?

**Staiger:** Look at the last "whereas", there is a overlapping of the two practices. Landscape architecture has significantly more impact on engineering. Engineers need to be a part of the process.

**Rep. Ekstrom:** Landscape architecture is licensed in 46 other states, do you mean to tell me that engineers in those states haven't faced and dealt with these same problems? Have you explored what their laws look like in terms of licensure?

**Staiger:** We haven't looked at that simply because we haven't had to until HB 1204 was dropped in our laps. It wasn't on the radar screen.

**Don Barsness,** appeared in support of HCR 3070. (See attached)

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**Rep. Severson:** You have opportunity to add input to HB 1204, are you willing to put time into HB 1204 to get what you need? That doesn't mean it couldn't be adjusted in two years. Why can the issues be addressed now?

**Barsness:** Perhaps some issues could, but other groups need time to address their concerns about overlap. Had we had the chance prior to it being submitted in bill form, we could have done more research. When it went through Legislative Council and the engrossment came, there are so many modifications. We don't have time in the short span of the legislative process to look at this in depth.

**Rep. Severson:** It's seven pages because we tried to amend it to make it plausible. I think you have the time.

**Barsness:** We'll do our best to look at HB 1204. But we'd like to have the alternative in place to make sure it's all right. We've never said we object to L.A.'s being licensed. Our biggest concern is that those legislators who are not our friends. Once this is opened up, it's fair game for other aspects, that's why we froze in place. Maybe it was four years ago.

**Rep. Klein:** We have 40-80 resolutions put to Legislative Council to study and only 20-30 get picked for study. Why don't you do the study? What if this isn't chosen? What precludes you from working on a study on your own without a Legislative Council study?

**Barsness:** That was our first inclination, to get the associations and boards together and do a study in the next two years. This is such a big issue, it has to be done right.

**Rep. Masper:** On page one of your testimony, you state that you don't recall anyone suggesting that L.A. licensure be encouraged, the last session was the first mention of it. This is the key sentence, "We said we'd prefer if they draft their own bill". This implies that happened two years

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ago. You're saying now, we don't have time, we'd thought they'd go away. They come up with a bill, now you don't like it. Where were you two years ago when they asked for your participation?

**Barsness:** What I intended to say in that statement, we asked them to set up their own board, separate from the Board of Architecture.

**Chairman Keiser:** Are you at all concerned about letting the legislature have a go at this?

**Barsness:** We hope this will focus on the issue at hand, as opposed to everything else.

**Rick Engebretson,** testified in support of HCR 3070. (See attached)

**Rep. Severson:** You've hired a landscape architect for 8 years and now that person has moved to Iowa. Why?

**Engebretson:** There's not enough work for him in this state. My current L.A. spends 20% of her time in that professional capacity and 80% on CAD drawings. In my practice, 80% of the 20% of landscape architecture is from out of state contracts.

**Rep. Kasper:** You make mention in your testimony of finding out how other states do this. You're licensed in several states, isn't it easy enough for you to get the rules and guidelines of other states where you do business? And then that information could be incorporated into the work your organization is planning to do here in the next two years?

**Engebretson:** You're right. But I am in 9 states, so there are 9 ways to practice these disciplines. I'm a licensed professional corporation in North Dakota, act as a professional association in Minnesota, business laws are so different. We can't get our own rules changed in two years, go through legal counsel etc.

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**Chairman Keiser:** So landscape architecture is far more like engineering than architecture, is that the direction it should go?

**Engbretson:** That's a possibility. Some states have joint boards. We don't have enough time to get this ready by August 1, 2003.

**Engbretson** distributed written testimony in support of HCR 3070 prepared by **Bill Schoen**.

(See attached)

**Gary Arman**, Chairman of the Board of Registration for Professional Engineers and Land Surveyors, offered oral testimony in support of HCR 3070.

**Chairman Keiser:** We won't create a new board for a small group. Do you want landscape architects under the aegis of architects or engineers? If you can work with the geologists, why can't this be resolved with the landscape architects?

**Arman:** We'll consider that carefully.

As there was no one else present to testify in support or opposition to HCR 3070, **Chairman Keiser** closed the hearing.

**Chairman Keiser** called for committee work on HCR 3070.

**Rep. Kasper:** It appears that these folks who came in to testify this morning are assuming that they can't fix it in the Senate, they're trying to fix a problem that isn't there yet. I don't like their resolution.

**Rep. Ekstrom:** They didn't cooperate before.



