

2011 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2243

2011 SENATE STANDING COMMITTEE MINUTES

Senate Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2243
January 24, 2011
Job Number 13245

Conference Committee

Committee Clerk Signature

Erin Lantieri

Explanation or reason for introduction of bill/resolution:

Relating to exemptions to regulations by the state board of registration for professional engineers and land surveyors.

Minutes:

6 Testimonies Attached

Chairman Klein: Opened the hearing.

Senator Nodland: Said that the bill dealt with the need to change the definition of land surveyors to meet federal standards.

Clifford E. Keller, Executive Director of the North Dakota Board of Registration for Professional Engineers and Land Surveyors: Testimony Attached (1).

Curtis Glasoe, Governor of the National Society of Professional Surveyors and Legislative Co-Chairman of the North Dakota Society of Professional Land Surveyors: Testimony Attached (2).

Senator Larsen: Asked about what they are referring to when they talk about the new technologies.

Curtis: Stated that it includes the geographical systems levels that are not regulated at the present time, it goes back to land surveyors determined boundaries of private lands. He also talked about the different technologies such as the computer age, GIS and GPS.

Ken Link, Professional Land Surveyor in North Dakota: Testimony Attached (3). Also gave written testimony from **Gregory Johnson**. (4).

Michael H. Gunsch, Chairman of the Legislative Committee for the North Dakota Society of Professional Engineers: Testimony Attached (5).

Senator Murphy: Asked for a definition of fence building.

Michael: He said it would be if one profession started putting up boundaries that would preclude the normal activities of other professionals. Said that they have established those

boundaries and both understand both sides to keep from having issues with the other professionals.

Dean F. Anagnost, PE, Chief Financial Officer/Treasurer/Principal Engineer of Kadrmas, Lee and Jackson: Testimony Attached (6).

Grant Levi, Deputy Director for Engineering with the North Dakota Department of Transportation: Department appreciates the work that was put into modifying this section of law. He said that they are comfortable with the definition and in support of the bill.

No opposition

Senator Nodland: Moved a do pass on Senate Bill 2243.

Senator Andrist: Seconded the motion.

Roll Call Vote: Yes-7 No-0

Senator Nodland to carry the bill

Date: 1/24/2011
Roll Call Vote # 1

2011 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2243

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Rerefer to Appropriations Reconsider

Motion Made By Senator Nodland Seconded By Senator Andrist

Senators	Yes	No	Senators	Yes	No
Chairman Jerry Klein	✓		Senator Mac Schneider	✓	
VC George L. Nodland	✓		Senator Murphy	✓	
Senator John Andrist	✓				
Senator Lonnie J. Laffen	✓				
Senator Oley Larsen	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Nodland

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2243: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.

2011 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2243

2011 HOUSE STANDING COMMITTEE MINUTES

House Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2243
March 21, 2011
15716

Conference Committee

Committee Clerk Signature

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Exemptions to regulation by the state board of registration for professional engineers and land surveyors; regulation of professional engineers and land surveyors

Minutes:

Chairman Keiser: Opens the hearing on 2243.

Representative Kreun: Introduces the SB 2243.

Cliff Keller~North Dakota State Board of Registration for Professional Engineers and Land Surveyors: (See attached testimony 1).

Representative M Nelson: Could you explain how those are used in surveying?

Cliff Keller: They are used as additional tools in determining fixed points on the land. They are scientific methods that have been developed and the surveyors have been using them and they have not been in the legislation.

Representative M Nelson: If somebody wants to put drainage tile in a field, does that make them a surveyor, engineer or both?

Cliff Keller: Something like that could make the one or the other.

Chairman Keiser: Anyone else here to testify in support of SB 2243.

Curtis Glasoe~NDSPLS Legislative Company-Chairman: (See attached testimony 2).

Representative M Nelson: The education is required for a land surveyor, what would that be?

Curtis Glasoe: What I understand now, there are no education requirements but there is education that counts as experience. You need 8 years of experience at a certain level in charge and that can be the 2 & 4 years schools with enough math and science that would qualify as experience.

Representative M Nelson: To get this experience, do you work under another surveyor?

Curtis Gloscoe: Yes, you have to be in responsible charge but also working for someone who is licenses for that experience.

Representative N Johnson: The new section in 3, that's adding it to the exemption part of the legislation if you are using the GPS for your crops you are not considered an engineer or a land surveyor at all?

Curtis Gloscoe: Yes, the intent is either you are an engineer or a land surveyor.

Representative Ruby: Under this language, am I allowed to do this on my own for slopes in my business?

Curtis Gloscoe: Yes, but I would caution you to make sure that it's on your property and you are following your land permits.

Representative Boe: Do you know what the number of professional land surveyors we have in North Dakota?

Curtis Gloscoe: Yes, approximately 300. There are 60 new ones and this is data from last fall.

Representative Boe: If we had a 10 year draft, would it be on the up or down grade?

Curtis Gloscoe: On the upgrade.

Chairman Keiser: The states of Rhode Island and Connecticut are in a heated debate because the land surveyors missed the state line by a considerable margin, how far are we off in North Dakota.

Curtis Gloscoe: In North Dakota, we are pretty good.

Chairman Keiser: With the satellite technology, do we now make a correction?

Curtis Gloscoe: Where the corners were set originally are the rule.

Ken Link~North American Coal Corporation-Hazen-Mapping for 29 years: I do support this bill because the terms now used in the definitions are the terms that are used today in the surveying business. I ask that you pass this bill without any amendments. (See attached testimony 3).

Gregory L Johnson~Licensed and Registered Professional Land Surveyor in North Dakota: (See attached testimony 4).

Michael Gunsch~Chairman of the Legislative Committee for the North Dakota Society of Professional Engineers: (See attached testimony 5).

Representative N Johnson: The three groups are the NDSPE, the board of Registration and NCEES?

Michael Gunsch: It's basically the North Dakota Society of Professional Engineers, the Land Surveying Society and the Board of Registration.

Representative Nathe: The model language law, how many states have this and how many states are looking to get this?

Michael Gunsch: Most states are moving towards the model law language.

Chairman Keiser: To become licensed, what are the fees if you are a land surveyor, engineer or both?

Michael Gunsch: We pay \$178, but the dual is \$280.

Chairman Keiser: Anyone else here to testify in support to SB 2243

Ron Henke: Office of Project Development Director-North Dakota Transportation: We support this bill.

Chairman Keiser: Anyone else here to testify to SB 2243, in opposition, in the neutral position?

Representative Clark: Moves a Do Pass.

Representative N Johnson: Second.

Roll call was taken for a Do Pass on SB 2243 with 13 yeas, 0 nays, 1 absent and Representative Ruby is the carrier.

Date: March 21, 2011

Roll Call Vote # _____

2011 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2243

House House Industry, Business and Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment

Motion Made By Rep Clark Seconded By Rep N Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman Kasper	Ab		Representative Boe	✓	
Representative Clark	✓		Representative Gruchalla	✓	
Representative Frantsvog	✓		Representative M Nelson	✓	
Representative N Johnson	✓				
Representative Kreun	✓				
Representative Nathe	✓				
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigesaa	✓				

Total Yes 13 No 0

Absent 1

Floor Assignment Rep Ruby

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2243: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
SB 2243 was placed on the Fourteenth order on the calendar.

2011 TESTIMONY

SB 2243



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

SB 2243

Background Information

- 1) There is a need for a new definition for the "Practice of Land Surveying".
 - a. The proposed definition brings the language in the North Dakota Century Code in line with national standards developed for the 21st century.
 - b. New technology has changed the method by which land surveying is practiced. The current definition was developed in 1957 at the time the law established the profession and revised in 1983 with almost the same intent but has never been updated to reflect evolving technologies. The 1983 definition remains the same today.
- 2) The proposed definition does not affect other industries.
 - a. The proposed definition brings current practice into the technology being used today and reflects more clearly the technology and current methods the profession uses in today's work environment. Professional Land Surveyors have always performed and been charged with land boundary surveys so there is no new requirement to the public.
 - b. Resource industries such as the NRCS, USDA, US Forest Service, or North Dakota Game and Fish will not be affected by the definition change.
 - c. The agricultural industry will not be affected by this Land Surveying definition.
 - d. The proposed language does not expand on the scope of regulated activities so it will not affect the general use of Geographic Information System (GIS). GIS only falls under the regulatory requirements for professional land surveying if it is used for land boundary determinations or descriptions.
- 3) The language of the proposed definition is language contained in a Model Law.
 - a. The language in the proposed definition is taken from the National Council of Examiners for Engineers and Surveyors (NCEES) Model Law. NCEES is an organization comprised of the engineering and surveying regulatory boards from all states and US territories. NCEES, in addition to promulgating and maintaining the Model Law, writes all of the national examinations used by every state and US territory for licensure.
 - b. The only changes to the Model Law language are minor terminology changes so the language is consistent with the rest of the North Dakota Century Code.
- 4) There is no effect on out-of-state land surveyors applying for licensure in North Dakota.
 - a. The language reflects the current practice of land surveying. The change does not preclude or prevent any individual from applying for licensure or create any unusual or burdensome requirement. The language comes from a Model Law promulgated by a national organization.

- 5) The change in the definition will not result in any additional costs to the public or government agencies.
- 6) The changes being proposed to section 43-19.1-27 clarify the areas where normal engineering activities and normal land surveying activities overlap. The change makes it apparent that a Professional Engineer performing normal engineering duties that a land surveyor may perform is not required to obtain a license as a Professional Land Surveyor to perform those duties. The same exemption is offered for Professional Land Surveyors who are engaged in normal land surveying activities that a Professional Engineer also performs.
- 7) There are four other statute changes that accompany the proposed definition change.
 - a. The change to the definition of "Practice of Professional Engineering" is to remove language that offers an exemption to engineering licensure within the definition itself. The Legislative Council has pointed out that this is an undesirable situation so the ND Board of Registration is correcting the language. This change is in 43-19.1-02 (7)-Definitions.
 - b. The exemption that is being removed from the definition of "Practice of Professional Engineering" is being relocated to 43-19.1-29-Exemption Clause.
 - c. The other change to 43-19.1-27 clarifies that there are some overlapping areas between engineering and land surveying. The change creates the ability for a professional to perform their duties without having dual licensure. This addition is in 43-19.1-27-Right to Practice.
 - d. To further clarify the differences between land surveys and engineering surveys, the definition of engineering surveys from the National Council of Examiners for Engineers and Surveyors *Model Law* has been added to section 43-19.1-02.

If you have any questions, please do not hesitate to contact me.

Clifford E. Keller
Executive Director
ND State Board of Registration for
Professional Engineers and Land Surveyors

cliff@ndpelsboard.org

(701) 258-0786

*Kew Link
in favor*

01-24-2011

SB2243 Testimony
Chairman Klein
Committee Members

My name is Curtis Glasoe. I was born and raised in North Dakota, graduated from NDSU in engineering, spent two years in the US Army during the Viet Nam era. I have practiced engineering and land surveying for over 40 years in North Dakota, South Dakota, Montana, and Idaho. I have resided in North Dakota for over 50 years. I am currently licensed to practice Land Surveying and Engineering in Montana, South Dakota, and the Great State of North Dakota.

I am the National Society of Professional Surveyors (NSPS) Governor for North Dakota and the Legislative Co-Chairman of the North Dakota Society of Professional Land Surveyors (NDSPLS). This State Society is made up of over 260 members. There are approximately 300 Registered Land Surveyors and over 50 dual registrants in Engineering and Land Surveying in North Dakota. Some 170 of these registered people live and practice in the State of North Dakota.

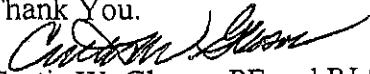
I am here to testify in favor of SB2243 for the following reasons:

1. This Bill will bring the State of North Dakota survey definition in line with the Model Law for National survey definitions developed at the National level for all 50 States.
2. This Bill will also bring the survey definition up to date to include new technology like Global positioning systems or GPS.
3. This Bill will clarify the limits of work done by either Professional Engineers and Land Surveyors, and the overlap of work within the professions.
4. This Bill will also clarify the use of GPS by all phases of industry, agriculture, recreation, and other users outside of Engineers and Land Surveyors.

I never really thought too much about overlap of the two professions. Being a Dual Registrant, I would be covered by one profession or the other during a project. This Bill makes it very clear to me which profession performs which tasks from planning to completion of a project.

Therefore, I urge this Committee to approve SB 2243 to update and clarify the Land Surveying and Engineering survey definitions, and bring them up to include today's technology. SB2243 will serve to get projects completed more timely and will result in a better, more economical product for the people of the Great State of North Dakota.

Thank You.


Curtis W. Glasoe, PE and RLS #2439
NSPS Governor
NDSPLS Legislative Co-Chairman

SB 2243

Kenneth J. Link
613 4th Street Northeast
Hazen ND 58545
701-748-2827 (H)
701-873-7220 (W)

My back ground is:

- Resident of ND all of my life.

After college I worked in the surveying and mapping field for 39 years:

- A private engineering and surveying company, Mandan ND, (1971).
- Montana Dakota Utilities Company, Bismarck ND (1972).
- In 1975 I started working for The North American Coal Corporation, Freedom Mine northwest of Beulah, N.D. and I am employed there at the present time.

Professional Licenses:

- I have been licensed as a Professional Land Surveyor in the state of North Dakota since 1979.
- I am also licensed as a Professional Land Surveyor in the states of:
South Dakota
Wyoming
Colorado

I do support SB 2243 in its present form, without any amendments, and I am opposed to any amendments without the opportunity for me to review and make comments.

I support this bill because the new wording makes the definition of Land Surveyor easier to understand as the phrases and terms are those used in today's conversations.

Again, I do support this SB 2243 and encourage a vote of Due Pass.

January 24, 2011

S.B. 2243
(4)

**Testimony in favor of Senate Bill No. 2243
Introduced by Senators Nodland and Laffen and
Representatives Frantsvog, Gruchalla, and Kreun**

My name is Gregory L. Johnson, I have been and continue to be a Licensed and Registered Professional Land Surveyor in North Dakota for over 32 years and I am also licensed in 5 other surrounding states. I am testifying as a private Land Surveyor and as a Representative to the North Dakota Society of Professional Land Surveyors Special Committee for the updated Definition of Land Surveying which represents over 260 Registered Land Surveyors throughout North Dakota and many other states who do business here. This bill is a result of over 15 years of investigation, research, review, and compromise on the definition improvement and bringing the definition into the 21st century standards and styles of survey being used in today's current industry and work environment. I have been involved with special committees to set both North Dakota and Montana's Oil and Gas well standards and plats. I have also been on special committees to set standards for continuing education for our registered professionals to keep them current and abreast in the new technologies and survey styles which have developed in this state and throughout the nation extensively since 1995 and the advent of GPS style of survey works. I have also worked with the State Board of Registration on special committees to write questions and answers for State Survey examinations, and to design those questions to be relevant in current practice of survey work and laws being performed in this state. This definition update is needed to protect the ongoing economic developments and improvements in this state to make sure that North Dakota does not fall behind in the ever expanding roles Surveyors must deal with in this fast paced energy rich state, and to make sure that we do not rank 49th in our levels of professionalism and responsibility to the people of North Dakota.



North Dakota Society of Professional Engineers
A State Society of the
National Society of Professional Engineers

SB 2243
(5)

SENATE INDUSTRY, BUSINESS AND LABOR COMMITTEE

January 24, 2011
10:00 am – Roosevelt Room

**North Dakota Society of Professional Engineers
Michael H. Gunsch, PE, Chairman
Legislative Committee
Senate Bill 2243**

Mr. Chairman and members of the Committee, I am Michael Gunsch, Chairman of the Legislative Committee for the North Dakota Society of Professional Engineers (NDSPE). I am a Professional Engineer, registered in North Dakota since August 1986, a past president of NDSPE, and currently serve on the Licensure Qualifications and Practice Committee for the National Society of Professional Engineers (NSPE). I am, here today, on behalf of NDSPE to speak in support of Senate Bill 2243.

Our society was aware of the North Dakota Society of Professional Land Surveyors (NDSPLS) desire to update the definition of land surveying for some time. The North Dakota State Board of Registration for Professional Engineers and Land Surveyors (BOR) agreed to facilitate a discussion of these updates and formed a committee that included representation from all three entities. The result of this cooperative and collaborative effort is SB2243. NDSPE's president Dale Heglund and I both participated in this process. The discussions were exceptional as ideas were shared and everyone's concerns reviewed and debated. We started with draft language that contained many items included in the practice of the surveying profession, eventually opting to utilize the National Council of Examiners for Engineers and Surveyors (NCEES) Model Law language contained in SB2243. The committee process was very direct and deliberative, and I commend all who participated.

Concerns relating to cross over services between the engineering and surveying professions were debated and language revisions to address these concerns are included in SB2243. The result of this open communications process removed fences and established acceptable boundaries of agreement regarding our professional practices. **On behalf of NDPSE we encourage the committee to give SB2243 a DO PASS recommendation.**

Mr. Chairman and members of the committee thank you for the opportunity to speak to this matter, and I would be happy to respond to any questions.

Respectfully,
Michael H. Gunsch, PE - NDSPE Legislative Chairman
Cell 701-527-2134

1 Senate Industry, Business and Labor Committee

2 Testimony in Support of SB 2243

3 A BILL for an Act to create and enact a new subsection to section 43-19.1-29 of the North
4 Dakota Century Code, relating to exemptions to regulation by the state board of registration for
5 professional engineers and land surveyors; and to amend and reenact section 43-19.1-02 and
6 subsection 1 of section 43-19.1-27 of the North Dakota Century Code, relating to regulation of
7 professional engineers and land surveyors.
8
9

10 January 24, 2011 – 10:00 AM

11
12 Chairman Klein, and Committee Members,

13
14 Good Morning, my name is Dean Anagnost. I am the Chief Financial Officer, and Principal Engineer, for
15 the firm of Kadrmas, Lee and Jackson. Kadrmas, Lee and Jackson is a North Dakota-based consulting
16 engineering and surveying firm employing over 450 engineers, surveyors and support professionals. I am
17 a registered professional engineer in seven states, including North Dakota. I have spent my entire
18 professional career as an engineering consultant in North Dakota. My testimony today is given primarily
19 on behalf of the American Council of Engineering Companies of North Dakota (ACEC-ND). I currently
20 serve as chairman of this Council's Government Affairs Committee.

21 I am here today to speak briefly in support of SB 2243.

22 Our Council works closely with the State Board of Registration, and other professional organizations to
23 ~~insure that the registration laws governing professional engineering and professional surveying are~~
24 compatible and complimentary, are written in the best interests of the public health and safety, and
25 promote an ethical agenda consistent with our professions, as well as enabling the business of
26 engineering and surveying consulting.

27 ACEC-ND was given the opportunity to be involved early on with the ND Board of Registration for
28 Professional Engineers and Land Surveyors, offering input, while they crafted this proposed legislation
29 found in SB 2243. As a result of the early interaction, we are able to support SB 2243 in the form
30 presented. We believe that this legislation furthers the professions, and cooperation between
31 engineering and surveying professionals by:

- 32
- Implementing the Model Law language that structures the current laws in a manner compatible
33 with the growing technical and business needs of the 21st century. Model Law language is

1 becoming universally used throughout the industry and across the other states and US
2 territories. It is beneficial for the North Dakota professions;

- 3 • Clarifies the definition of *engineering surveys* for engineers and surveyors and stresses that the
4 primary role of the professional surveyor is to perform boundary surveys and related work;
- 5 • Insures that there is no confusion regarding registration requirements in those instances when
6 an overlap of duties and responsibilities occur on projects involving engineering, making it
7 apparent that a Professional Engineer is not required to be a dual-licensee in order to perform
8 services, other than boundary surveys, that may also be performed by a surveyor.
- 9 • Eliminates unnecessary duplication in the law regarding exemptions.

10 In addition, as a leader of a firm that provides engineering and surveying services in over thirty-five
11 states, I would like to reiterate the importance of aligning definitions and standards, in the way that
12 Model Law proposes, to enable consistent application and understanding of surveying, including further
13 facilitating the process of admitting outside surveyors in to the North Dakota professions.

14 Thank you for allowing me to testify on behalf of ACEC-ND, and Kadrmas, Lee and Jackson, in support of
15 SB 2243.

16 Dean F. Anagnost, PE
17 Chief Financial Officer/Treasurer/Principal Engineer
18 KLJ Solutions/ Kadrmas, Lee and Jackson
19 128 Soo Line Drive
20 Bismarck, ND 55801-1157
21 (701) 355-8412
22 Dean.anagnost@kljeng.com

23
24
25
26

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



SB 2243

Background Information

- 1) There is a need for a new definition for the "Practice of Land Surveying".
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If you have any questions, please do not hesitate to contact me.

Clifford E. Keller
Executive Director
ND State Board of Registration for
Professional Engineers and Land Surveyors

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(701) 258-0786

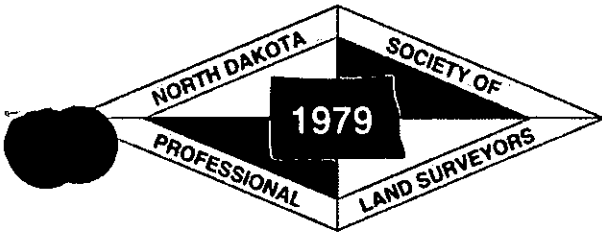


North Dakota State Board
of Registration for
Professional Engineers
and Land Surveyors

Clifford E. Keller
Executive Secretary

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WEBSITE www.ndpelsboard.org

Testimony 2



NDSPLS ADMINISTRATIVE OFFICE
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Website: www.ndspls.org

SB 2243 Testimony

March 21, 2011

Chairman Keiser and Committee Members:

My name is Curtis Glasoe. I was born and raised in North Dakota, graduated from NDSU in engineering, spent two years in the US Army during the Viet Nam era. I have practiced engineering and land surveying for over 40 years in North Dakota, South Dakota, Montana and Idaho. I have resided in North Dakota for over 50 years. I am currently licensed to practice Land Surveying and Engineering in Montana, South Dakota, and the Great State of North Dakota.

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I am here to testify in favor of SB2243 for the following reasons:

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2. This Bill will also bring the survey definition up to date to include new technology like Global Positional Systems or GPS.
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Therefore, I urge this Committee to approve SB2243 to update and clarify the Land Surveying and Engineering survey definitions, and bring them up to include today's technology. SB2243 will serve to get projects completed more timely and will result in a better, more economical product for the people of the Great State of North Dakota.

Thank you.


Curtis W. Glasoe, PE and PLS #2439
NSPS Governor
NDSPLS Legislative Co-Chairman

SB 2243

Kenneth J. Link
613 4th Street Northeast
Hazen ND 58545
701-748-2827 (H)
701-873-7220 (W)

My back ground is:

- Resident of ND all of my life.

After college I worked in the surveying and mapping field for 39 years:

- A private engineering and surveying company, Mandan ND, (1971).
- Montana Dakota Utilities Company, Bismarck ND (1972).
- In 1975 I started working for The North American Coal Corporation, Freedom Mine northwest of Beulah, N.D. and I am employed there at the present time.

Professional Licenses:

- I have been licensed as a Professional Land Surveyor in the state of North Dakota since 1979.
- I am also licensed as a Professional Land Surveyor in the states of:
South Dakota
Wyoming
Colorado

I do support SB 2243 in its present form, without any amendments, and I am opposed to any amendments without the opportunity for me to review and make comments.

I support this bill because the new wording makes the definition of Land Surveyor easier to understand as the phrases and terms are those used in today's conversations.

Again, I do support this SB 2243 and encourage a vote of Do Pass.

January 24, 2011

Administrative Code Title 43 Occupations & Professions: Recap of Board Terms/Make Up of Board Members

	Bd Mbr Terms	Total #	Board Members			Term Limits
			From the Industry	Public	Other	
43-01 Abstracters	6	3	1	(Not Specified)		N
43-02.2 Accountants	5	5	5			Y 2 terms
43-04 Barbers	3	3	3			N
43-03 Architects & Landscape Architects	6	3	3			N
43-06 Chiropractors	5	5	5			N
43-11 Cosmetology	3	3	3			N
43-28 Dentists	5	7	6	1		N 2 terms
43-09 Electricians	5	5	2	1	2	N
43-19.1 Engineering & Land Surveyors	5	5	5			N
43-17 Physicians & Surgeons	4	12	10	2		Y 2 successive terms
43-15 Pharmacists	5	7	6	1		N
43-41 Social Work	3	6	4	2		Y 2 consecutive terms
43-25 Massage Therapists	3	5	3	2		N
43-10 Funeral Service Practitioners	4	4	3		1 health	N
43-23 State Real Estate Commission	5	5	3	2		N
43-32.4 Real Estate Broker Trust Accts	3	5	3			Y 2 consecutive terms
43-23.3 Real Estate Appraisers	5	5	3	1	2 non-ftrs 1 financial	N
43-12.1 Nurses Practitioners Act	4	9	8	1		Y 2 consecutive terms
43-40 Occupational Therapy	3	5	4	1		Y 2 consecutive terms
43-13 Optometrists	5	7	5	2		N
43-05 Podiatrists	4	6	4	1	1 Physician	Y 2 successive unless 2 yr have lapsed
43-18 Plumbers	4	5	2	1	2 engineers	N
43-29 Veterinary	3	3	3			N
43-26.1 Physical Therapist	5	6	5	1		N
43-45 Addiction Counselors	3	7	5	2		Y 2 consecutive terms
43-37 Audiology/Speech/Lang Path	3	7	6	1		Y 2 consecutive terms
43-32 Psychologists	3	5	5			N
43-33 Hearing Aid Dealers	4	10	8	2		Y may not be reapt until 1 yr aftr exp of 2nd term
43-30 Investigative & Security Specialists	4	not less than 5 no more than 11				N
43-34 Nursing Home Administrators	3	9	5	1	majority must be private investigator or security profess.	
43-35 St Bd of Water Well Contractors	4	7	4	1	3 2 st officials	N
43-36 Profession Soil Classifiers	5	5	3	2		N
43-39 Athletic Trainers	4	5	3	1	1 Phys	Y 2 successive terms
43-42 Respiratory Care Practitioners	3	7	4	1	2 health	Y 2 successive terms
43-44 Dieticians & Nutritionists	3	5	4	1		Y 2 consecutive terms
43-53 Marriage & Family Therapy Practice	4	5	4	1		Y 2 consecutive terms
43-48 Clinical Laboratory Personnel	3	7	3	2	2 health	N
43-47 Counselors	3	5	3	2		N
43-49 Reflexologists	3	3	3			N

Testimony 4

**Testimony in favor of Senate Bill No. 2243
Introduced by Senators Nodland and Laffen and
Representatives Frantvog, Gruchalla, and Kreun**

My name is Gregory L. Johnson, I have been and continue to be a Licensed and Registered Professional Land Surveyor in North Dakota for over 32 years and I am also licensed in 5 other surrounding states. I am testifying as a private Land Surveyor and as a Representative to the North Dakota Society of Professional Land Surveyors Special Committee for the updated Definition of Land Surveying which represents over 260 Registered Land Surveyors throughout North Dakota and many other states who do business here. This bill is a result of over 15 years of investigation, research, review, and compromise on the definition improvement and bringing the definition into the 21st century standards and styles of survey being used in today's current industry and work environment. I have been involved with special committees to set both North Dakota and Montana's Oil and Gas well standards and plats. I have also been on special committees to set standards for continuing education for our registered professionals to keep them current and abreast in the new technologies and survey styles which have developed in this state and throughout the nation extensively since 1995 and the advent of GPS style of survey works. I have also worked with the State Board of Registration on special committees to write questions and answers for State Survey examinations, and to design those questions to be relevant in current practice of survey work and laws being performed in this state. This definition update is needed to protect the ongoing economic developments and improvements in this state to make sure that North Dakota does not fall behind in the ever expanding roles Surveyors must deal with in this fast paced energy rich state, and to make sure that we do not rank 49th in our levels of professionalism and responsibility to the people of North Dakota.



HOUSE INDUSTRY, BUSINESS AND LABOR COMMITTEE

March 21, 2011

10:00 am – Peace Garden Room

North Dakota Society of Professional Engineers
Michael H. Gunsch, PE, Chairman
Legislative Committee
Senate Bill 2243

Chairman Keiser, members of the Committee, I am Michael Gunsch, Chairman of the Legislative Committee for the North Dakota Society of Professional Engineers (NDSPE). I am a Professional Engineer, registered in North Dakota since August 1986, a past president of NDSPE, and currently serve on the Licensure Qualifications and Practice Committee for the National Society of Professional Engineers (NSPE). I am, here today, on behalf of NDSPE to speak in support of Senate Bill 2243.

Our society was aware of the North Dakota Society of Professional Land Surveyors (NDSPLS) desire to update the definition of land surveying for some time. The North Dakota State Board of Registration for Professional Engineers and Land Surveyors (BOR) agreed to facilitate a discussion of these updates and formed a committee that included representation from all three entities. The result of this cooperative and collaborative effort is SB2243. NDSPE's president Dale Heglund, who is a Professional Engineer and Land Surveyor, and I both participated in this process. The discussions were exceptional as ideas were shared and everyone's concerns reviewed and debated. We started with draft language that contained many items included in the practice of the surveying profession, eventually opting to utilize the National Council of Examiners for Engineers and Surveyors (NCEES) Model Law language contained in SB2243. The committee process was very direct and deliberative, and I commend all who participated.

Concerns relating to cross over services between the engineering and surveying professions were debated and language revisions to address these concerns are included in SB2243. The result of this open communications process established clear and acceptable boundaries of agreement regarding our separate professional practices. **On behalf of NDPSE we encourage the committee to give SB2243 a DO PASS recommendation.**

Mr. Chairman and members of the committee, thank you for the opportunity to speak to this matter, and I would be happy to respond to any questions.

Respectfully,
Michael H. Gunsch, PE - NDSPE Legislative Chairman
Cell 701-527-2134