

HOUSE BILL NO. 1236
with Conference Committee Amendments**HOUSE BILL NO. 1236**

Introduced by

Representatives N. Johnson, Kasper, M. Klein

Senator Espgaard

1 A BILL for an Act to amend and reenact sections 43-19.1-18 and 43-19.1-25 of the North
2 Dakota Century Code, relating to professional engineer and land surveyor registration fees and
3 recovery of legal costs in disciplinary matters.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 43-19.1-18 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **43-19.1-18. Registration fees.** The board shall establish registration fees for
8 professional engineers, engineers-in-training, land surveyors, and land surveyors-in-training in
9 the amount the board determines necessary to accomplish the purposes of the board as
10 provided in this chapter. The registration fees may not exceed the amount of ~~fifty~~ one hundred
11 dollars for a one-year period or ~~one~~ two hundred dollars for a two-year period. If the board
12 denies the issuance of a certificate to an applicant, the fee paid may be retained as an
13 application fee.

14 **SECTION 2. AMENDMENT.** Section 43-19.1-25 of the North Dakota Century Code is
15 amended and reenacted as follows:

16 **43-19.1-25. Disciplinary action - Revocations, suspensions, or reprimand.** The
17 board has the power to suspend, refuse to renew, or revoke the certificate of registration of, or
18 reprimand, any registrant; In an order or decision issued by the board in resolution of a
19 disciplinary proceeding in which disciplinary action is imposed against a registrant, the board
20 may direct a registrant to pay the board a sum not to exceed the reasonable and actual costs,
21 including reasonable attorney's fees, incurred by the board and its investigative panels in the
22 investigation and prosecution of the case. Notwithstanding section 28-32-50, if a registrant is
23 the prevailing party in an administrative appeal of a disciplinary action taken by the board under
24 this section, the board shall pay the registrant's reasonable and actual costs, including

1 reasonable attorney's fees. These powers apply to any registrant who is found guilty of any of
2 the following:

- 3 1. The practice of any fraud or deceit in obtaining a certificate of registration.
- 4 2. Any gross negligence, incompetence, or misconduct in the practice of engineering
5 or land surveying.
- 6 3. Any offense determined by the board to have a direct bearing upon a person's
7 ability to serve the public as a professional engineer and land surveyor; or when
8 the board determines, following conviction of any offense, that a person is not
9 sufficiently rehabilitated under section 12.1-33-02.1.
- 10 4. The violation of the code of ethics adopted and promulgated by the board.