

Fifty-fifth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2283

Introduced by

Senator B. Stenehjem

Representative Keiser

1 A BILL for an Act to provide continuing education requirements for land surveyors; to create
2 and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to
3 reregistration requirements for land surveyors; and to amend and reenact subsection 1 of section
4 43-19.1-08 of the North Dakota Century Code, relating to powers of the state board of
5 registration for professional engineers and land surveyors.

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

7 **SECTION 1. AMENDMENT.** Subsection 1 of section 43-19.1-08 of the North Dakota
8 Century Code is amended and reenacted as follows:

9 1. To adopt and amend all bylaws, rules of procedure, and regulations to administer
10 and carry out ~~the provisions of~~ this chapter and for the conduct of its affairs and
11 functions not inconsistent with the constitution and laws of this state or this chapter
12 and sections 3 through 13 of this Act, which may be reasonably necessary for the
13 proper performance of its duties and the regulation of its proceedings, meetings,
14 records, examinations, and the conduct thereof, and to adopt and promulgate a
15 code of ethics which ~~shall be~~ is binding upon all persons registered under or
16 subject to this chapter.

17 **SECTION 2.** A new section to chapter 43-19.1 of the North Dakota Century Code is
18 created and enacted as follows:

19 **Land surveyor continuing education requirements.** Every land surveyor licensee
20 shall meet the continuing education requirements of sections 3 through 13 of this Act as a
21 condition of registration renewal.

22 **SECTION 3. Definitions.** As used in sections 3 through 13 of this Act, unless the
23 context otherwise requires:

- 1 1. "Board" means the state board of registration for professional engineers and land
2 surveyors.
- 3 2. "College hour" means a credit for an approved accreditation board for engineering
4 and technology course or other related college course approved in accordance
5 with section 6 of this Act.
- 6 3. "Continuing education unit" means a unit of credit customarily used for continuing
7 education courses. One continuing education unit equals ten hours of class in an
8 approved continuing education course.
- 9 4. "Course" means any qualifying course or activity with a clear purpose and objective
10 that will maintain, improve, or expand the skills and knowledge relevant to the
11 licensee's field of practice.
- 12 5. "Dual registrant" means a person who is registered by the board as a professional
13 land surveyor and a professional engineer.
- 14 6. "Practice of land surveying" means the performance of any service or work that
15 requires the application of special knowledge of the principles of mathematics,
16 physical sciences, applied sciences, and:
 - 17 a. The art and science of making all essential measurements to determine the
18 relative position of points or physical and cultural details above, on, or
19 beneath the surface of the earth and depict them in usable form for
20 reestablishing cadastral surveys and land boundaries based on documents of
21 record and historical evidence. This includes the actual making of a survey
22 and the recording of measured angles, lines, and elevations for determination
23 of the location of land boundaries, land boundary corners, and
24 topography/planimetric mapping;
 - 25 b. The platting, layout, and monumentation of lands and their subdivisions,
26 including the preparation and perpetuation of maps, plats, and plans showing
27 the shapes and areas of tracts of land and their subdivisions into smaller
28 tracts, and the preparation of land boundary descriptions and field notes;
 - 29 c. The location and monumentation of rights of way, easements, and roads,
30 including the preparation of maps and plans showing the layout and design of
31 the roads, streets, and rights of way to give access to smaller tracts;

d. The preparation of official plats and maps showing easements, utilities, land title insurance surveys, plot plans, and site survey layout drawings mapping bodies of water, roads, elevations, and underground and surface mining, and the determination of areas and volumes from these records and surveys for this mapping;

e. The establishment of horizontal and vertical control systems, coordinate systems, construction layouts, and land information mapping; and

f. The preparation of all official plats and maps of said land information.

7. "Professional development hour" means a contact hour of instruction or presentation and is the common denominator for other units of credit.

8. "Surveying" means land surveying or professional surveying.

SECTION 4. Continuing education requirements. Every land surveyor licensee is required to obtain fifteen professional development hours annually during the renewal period. If a licensee exceeds the annual requirement in any renewal period, a maximum of fifteen professional development hours may be carried into the next renewal period. Professional development hours may be earned as follows:

1. Successfully completing university or college courses in surveying related subjects. Surveying related subjects includes land surveying, management training for surveyors in management positions, writing and communications courses, surveying and mapping computer software instructional courses that are related to the licensee's business or profession, photogrammetry, mapping, and global positioning system.

2. Successfully completing continuing education courses in surveying related subjects which are awarded continuing education units.

3. Successfully completing group conducted courses that are televised, videotaped, or audiotaped, and other short courses or tutorials in surveying related subjects.

4. Presenting or actively participating in qualifying seminars, in-house courses, or workshops, or professional or technical presentations made at meetings, conventions, or conferences relating to surveying subjects. Technical or professional society meetings must present the land surveying topic as a principal part of the program.

5. Teaching or instructing at any gathering pursuant to subsections 1 through 4.
6. Successfully completing correspondence courses in surveying related subjects.
7. Authoring published papers, articles, or books relating to surveying.
8. Actively serving on committees or in officer roles of professional surveying organizations or societies.
9. Registering patents relating to the surveying profession.
10. Actively engaging in the practice of professional land surveying.
11. Any method that may be recognized by the state board of registration.

SECTION 5. Continuing education unit conversion. The conversion of units of credit to professional development hours is as follows:

1. One semester hour of university or college credit equals forty-five professional development hours.
2. One quarter hour of university or college credit equals thirty professional development hours.
3. One continuing education unit equals ten professional development hours.
4. One contact hour, fifty to sixty minutes of acceptable contact, of professional development in coursework, seminars, or professional or technical sessions presented at meetings, conventions, or conferences equals one professional development hour.
5. Teaching or presenting at any gathering provided for in subsections 1 through 4 of section 4, multiply the credits by two. Teaching credit is valid for teaching a course or seminar for the first time only. Teaching credit does not apply to full-time faculty.
6. Each published paper, article, or book relating to land surveying equals ten professional development hours.
7. Active participation in a professional land surveying and technical society equals two professional development hours per organization.
8. Each patent, as described in subsection 9 of section 4 of this Act, equals ten professional development hours.
9. Active practice in professional land surveying equals three professional development hours per year with a minimum of two hundred hours per calendar year.

SECTION 6. Determination of credit.

1. Credit for university or college approved courses is based upon the course credit established by the institution.
2. Credit for active participation in professional and technical societies requires that a licensee serve as an officer or actively participate in a committee of the organization. Professional development hour credits are not earned until completion of each year of service.
3. Credit for qualifying seminars, workshops, and instructional portions of professional conventions is based on one professional development hour for each hour of attendance. An attendant at a qualifying program presented at a professional or technical society meeting earns credits according to the actual time of the program. Preapproval by the board is not required for seminars, workshops, and professional conventions, if the following criteria can be verified:
 - a. There is a clear purpose and objective for each activity that maintains, improves, or expands skills and knowledge, or develops new and relevant skills and knowledge;
 - b. The content of each presentation is well-organized and presented in sequential manner;
 - c. There is evidence of preplanning, including the opportunity for comment by the group served; and
 - d. The presentation is made by persons qualified by education or experience, including professional land surveyors or persons recognized for their unique and specialized experience or knowledge of land surveying or a related subject.
4. Documentation of professional development hours claimed for authoring published professional papers, articles, books, and in-house courses is the responsibility of the registrant and is subject to review by the board.
5. Up to five of the yearly required professional development hours may be in professional management subjects, including land survey management, total quality process, and ethics.

1 **SECTION 7. Recordkeeping.** Each land surveyor licensee is responsible for
2 maintaining records to support the professional development hours claimed. Records include a
3 log showing the type of activity claimed, sponsoring organization, dates of course, location of
4 course, duration of course, instructor's or speaker's name and qualifications, professional
5 development hour credits earned, and attendance verification records in the form of completion
6 certificates or other documents supporting evidence of attendance; or records maintained by
7 the professional development registry for engineers and surveyors or other similar repositories.
8 These records must be maintained for a period of three years and copies may be requested by
9 the board for audit verification purposes.

10 **SECTION 8. Exemptions.** A land surveyor licensee may be exempt from the
11 professional education requirements for any of the following reasons:

- 12 1. A new licensee licensed by examination or reciprocity is exempt for the first
13 renewal period. If the renewal period is biennial, a new licensee is required to
14 have one-half of the professional development hours required for the licensee's
15 first renewal period.
- 16 2. A noncareer military licensee serving on active duty in the armed forces of the
17 United States for a period of time exceeding one hundred twenty consecutive days
18 in a calendar year is exempt from obtaining professional development hours for
19 that year.
- 20 3. A licensee experiencing physical disability, illness, or other extenuating
21 circumstances, as reviewed and approved by the board. Supporting
22 documentation must be furnished to the board.
- 23 4. Any practicing licensee or retired licensee who lists, an occupation of "retired" or
24 "nonpracticing" on the renewal form. This licensee must certify that the licensee is
25 not receiving any remuneration from providing professional land surveying services
26 and is not practicing land surveying. If a retired or nonpracticing licensee elects to
27 return to active practice of land surveying, either the professional development
28 hour units for each year exempted, but not exceeding thirty professional
29 development hours, must be earned before returning to active practice, or the land
30 surveyor's written examination must be retaken and passed. The board shall audit
31 these claimed professional development hours before issuing the license.

1 **SECTION 9. Noncompliance.** If a land surveyor licensee fails to comply with the
2 professional development hour requirements for the previous renewal period, the board shall
3 notify the licensee in writing that a license to practice will not be issued until the professional
4 development requirements are met. If an audit of the professional development hour
5 requirements indicates failure of a licensee to comply, the licensee has ninety calendar days
6 upon receipt of written notice either to further reinforce the claim of professional development
7 hours or to acquire sufficient professional development hours to meet the requirement. The
8 board shall take into consideration hardship or extenuating circumstances in allowing correction
9 of deficiencies, but the deadline may not be extended more than one year.

10 **SECTION 10. Out-of-state residents.** Continuing professional competency
11 requirements are deemed satisfied by a nonresident licensee when the licensee certifies to
12 being licensed in and having met the mandatory continuing professional competency
13 requirements of any jurisdiction approved and listed by the board.

14 **SECTION 11. Audit.** The board may conduct an audit of the licensees claiming
15 professional development hours for each renewal period. The board shall select at random the
16 licensees audited.

17 **SECTION 12. Dual registrants.** A dual registrant who is subject to professional
18 engineer competency requirements must earn at least one third of the required professional
19 development hours in each profession.

20 **SECTION 13. Forms.** All renewal applications must require the completion of a
21 continuing education form specified by the board outlining the professional development hour
22 credit claimed. The licensee shall supply sufficient detail on the form provided by the board,
23 and, if necessary, by attachment to the form, permission for audit verification. A licensee shall
24 certify and sign the continuing education form and submit it with the renewal application and
25 fee.