



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

January 4, 2023

Testimony of Matt Weeks IN SUPPORT OF HB 1104 on behalf of the ND Board of Registration for Professional Engineers and Land Surveyors

Dear Chairman Louser and members of the House Industry, Business, and Labor Committee:

For the record, my name is Matt Weeks and I am a licensed professional land surveyor in the State of North Dakota. I am also a Member of the ND Board of Registration for Professional Engineers and Land Surveyors (NDPELS). I am here today in my capacity as a Board Member of the NDPELS.

HB 1104 is largely an update of the North Dakota Century Code Chapter regulating the licensure of Professional Engineers and Land Surveyors. We, the Board, urge a DO PASS on HB 1104.

During the interim in 2022, the NDPELS Board organized a legislative subcommittee made up of Licensed Professional Engineers and Land Surveyors to review NDCC Chapter 43-19.1. The subcommittee was composed of members of both the engineering and land surveying professions throughout the State of North Dakota. The subcommittee met several times over the course of the interim and came up with suggested changes to Chapter 43-19.1, which were adopted by the NDPELS Board.

I will take you through some of the changes to Chapter 43-19.1 in the Pre-filed Bill before you, as follows:

Section 1 of HB 1104 updates the Definitions to include a definition of Executive Director.

Sections 2, 3, 4, 9, and 10 update the language to refer to an Executive Director. **Section 2** also removes the requirement that a surety bond be maintained by the Board. It was determined that such a bond was not necessary as the Board is covered under the state's risk management fund. The final sentence of **Section 2** that is sought to be removed is related to the Boards ability to manage its budget. The Board responsibly manages its budget and this sentence was found superfluous.

Section 5, 6 and 8 are a necessary update that is related to the changing manner in which engineering and land surveying exams are being offered. These exams are now being taken in an electronic format and the hours of these exams have changed. The National entities that create several of these exams, include the National Conference for Examiners of Engineering and Surveying (NCEES). Removing the hours specific language from the statute allows the NDPELS Board to adapt to changing exam lengths and national requirements without requiring a statutory change every time the NCEES changes the hours

attributed to a national exam. These changes provide uniformity in the engineer and land surveyor requirements in this chapter, as the land surveyors do not have an hourly requirement specified in this chapter.

Section 7 enables the NDPELS Board to propose fee changes, deemed necessary due to economic impacts through the administrative code process in order to manage its budget without repeatedly revisiting the statute in every legislative session related to inflationary and other changes. It is worth noting that NDPELS is funded solely through its professional fees charged to registrants.

Section 8 removes the experience requirement before an applicant can sit for a professional exam. This amendment does not remove the experience requirement in its entirety. This change is sought to encourage more recent graduates to pursue licensure sooner after graduation than later. It also encourages recent graduates to take exams while the information they learned at university is fresh in their minds. An applicant must meet the experience requirement prior to becoming licensed by the NDPELS Board.

Section 10 is an update to allow for expiration and renewal notifications to be sent electronically to the registrant's email address.

Section 11 provides clarifying language that specifies that the code of ethics applies to both individuals and business entities.

Section 12 is an update that allows the NDPELS Board to resolve disciplinary matters through informal disposition as provided in the Administrative Agency's Practices Act under Chapter 28-32. **Section 12** also contains an update that allows the NDPELS Board to administer discipline in the event that a registrant fails or refuses to appear before the board by default procedure.

Section 13 is an update to allow the Board to administer a civil penalty in disciplinary actions against a registrant for violations of Section 43-19.1-25 in an amount not to exceed \$2,500.00 per violation.

Finally, I thank you for your time and attention today and your service to our State. I am happy to answer any questions.

I urge a DO PASS on HB 1104.

Thank you.

On behalf of the Board,

Matt Weeks
Board Member