

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1330

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1330

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: January 21, 2009

Recorder Job Number: 7375

Committee Clerk Signature

Ellen LeTang

Chairman Keiser: Opened the hearing on HB relating to the regulation, repeal regulation & provide a penalty of architects & landscape architects.

John Olson~Represent the North Dakota Board of Architecture. We would like to clean up the law. John Olson briefly explains each section of change.

Chairman Keiser: On section 20 could you reveal what the repeaters' are?

Olson: I'm lost.

Representative Thorpe: Is the membership fees \$500?

Olson: Yes.

Representative Thorpe: Were they set by the architecture board or the the (inaudible).

Olson: Those fees are set by the Board of Architecture.

Chairman Keiser: There is not a change in the fee structure?

Olson: It was up to 500 for landscape architects not that high for architects. It's making that uniform.

Representative Ruby: On section 13 where is talks about dealing with non-residents, do other states let our architects to same provisions for reciprocity?

Olson: I don't know.

Representative Ruby: In section 18 of page 12 of new subsection 3, who and how do you determine somebody is exhibiting mental incompetency, untrustworthiness, or misconduct?

Olson: It almost requires an evaluation by a professional. I would suspect you would have to have evident to support that. We need to be reassured that this board is governed by chapter 2832, the Administrative Agencies Practices Act.

Chairman Keiser: The fiscal note doesn't look right, simply because we are increasing the payments but the note shows zero impact. Also, are increasing the potential for fees for all architects up to 500 should have some fiscal implication. Do you want to defer?

Olson: I should defer but there should not be any change if the board doesn't take action to adjust the registration fees. It's up to. The per diem is special funds to pay those.

Rick Engebretson~President of the North Dakota State Board of Architecture & Landscape Architecture. See testimony attachments.

Representative Amerman: The new language is this like a civil injunction or can it turn into a civil suit where there is a lot of money involved?

Engebretson: It's language to enforce. Right now we have very little enforcement other than calling up the attorney general's office.

Representative Nottestad: The three architects, as you look at the future of landscape architects, started very minuet. Probably expand in the next few years, don't you see them represented?

Engebretson: I see in the future a good possibility but the question is in what percentage and how we will deal with them. We don't see a lot of issues coming up.

Representative Nottestad: As I look recognition of the professional, to me that's the key to representation on the board. That the architect truly recognizes the landscape architects.

They should recognize their right to the member of the board.

Engebretson: They are less than 7%. We are happy to bring them on board but at what percentage?

Chairman Keiser: On line 14 on page 4, after an architect, what if we were to amend "or landscape architect", so the board doesn't change.

Engebretson: It can be done but that could be three landscape architects. We have to have an odd number.

Chairman Keiser: If we say that, then there has to be a landscape architect on it.

Vice Chairman Kasper: In your funds for the architects, do you have a large dollar amount in your funds?

Engebretson: \$50,000 in reserve for any lawsuits that may arrive and every two years we review our budget.

Chairman Keiser: Do they have to pay the fee in the reciprocity process?

Engebretson: Yes

Chairman Keiser: Has there been any discussion about not only granting reciprocity but reciprocity fee for those who wish to license here?

Engebretson: That would be nice; I have no problem with that. Question is "how would you do that"?

Vice Chairman Kasper: When was the last time you had an increase in your \$180 biannual fees?

Engebretson: It was in either 03 or 05. It was \$120 every two years.

Olson: Quickly review the repeal provisions for you. 430312 is incorporated into laws. 430324 was provision for an advisory committee which is now a technical committee. 430325 is all incorporated into the existing structure.

Anyone in opposition, neutral?

Closes the hearing on HB 1330.

What are the wished of the committee?

Representative Gruchalla: Move a Do Pass.

Representative N Johnson: Seconded

Representative Thorpe: Add the language or landscape architect.

Representative Gruchalla: I will withdraw my motion.

Representative Nottestad: I move the new language for an amendment.

Representative Thorpe: Second.

Vice Chairman Kasper: Have looked at this issue long and hard. I'm inclined to keep it the way it is, I'm going to resist the motion.

Representative N Johnson: I too, will resist the motion.

Representative Nottestad: I'll support the motion.

Representative Gruchalla: Move on the proposed amendment.

Representative N Johnson: Second.

The motion failed.

Representative Gruchalla: Motion for a Do Pass.

Representative N Johnson: Second.

Roll call was taken on HB 1330 with a Do Pass, 13 yea's, 0 nay's, 0 absent and Vice Chairman Kasper is the carrier.

FISCAL NOTE
Requested by Legislative Council
03/26/2009

Amendment to: HB 1330

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

Senate engrossed bill has no fiscal impact

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Bonnie Staiger	Agency:	State Board of Architecture
Phone Number:	701-223-3540	Date Prepared:	03/31/2009

FISCAL NOTE
Requested by Legislative Council
01/13/2009

Bill/Resolution No.: HB 1330

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2007-2009 Biennium		2009-2011 Biennium		2011-2013 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2007-2009 Biennium			2009-2011 Biennium			2011-2013 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation is also included in the executive budget or relates to a continuing appropriation.*

Name:	Bonnie Staiger	Agency:	State Board of Architecture
Phone Number:	701-223-3540	Date Prepared:	01/13/2009

Date: Jan 21 - 2009
Roll Call Vote # 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1330

House House, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Gr Seconded By N Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Amerman	x	
Vice Chairman <u>Kasper</u>		x	Representative Boe	x	
Representative Clark		x	Representative Gruchalla	x	
Representative N Johnson		x	Representative Schneider		x
Representative Nottestad	x		Representative Thorpe	x	
Representative Ruby		x			
Representative Sukut		x			
Representative Vigesaa		x			

Total (Yes) 6 No 7

Absent 0 failed

Floor Assignment Kasper

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

Date: Jan 21-2009
Roll Call Vote # 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1330

House House, Business & Labor Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass Do Not Pass As Amended

Motion Made By Gruchalla Seconded By N Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	x		Representative Amerman	x	
Vice Chairman <u>Kasper</u>	x		Representative Boe	x	
Representative Clark	x		Representative Gruchalla	x	
Representative N Johnson	x		Representative Schneider	x	
Representative Nottestad	x		Representative Thorpe	x	
Representative Ruby	x				
Representative Sukut	x				
Representative Vigesaa	x				

Total (Yes) 13 No 0

Absent 0

Floor Assignment Kasper

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

REPORT OF STANDING COMMITTEE (410)
January 21, 2009 12:37 p.m.

Module No: HR-12-0646
Carrier: Kasper
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
HB 1330 was placed on the Eleventh order on the calendar.

2009 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1330

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1330

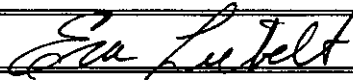
Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 23, 2009

Recorder Job Number: 11411

Committee Clerk Signature



Minutes:

John Olson, Special Assistant of the Attorney General for the North Dakota Board Architecture:

House Bill 1330 before you is a result of a number of years of working on the State

Architecture Statute under the title 43 chapter 3 of the North Dakota century code. In that

period of time they've had an opportunity to look at a number of states. They belong to the

National Council of Architectural registration board. As the result of their affiliation with them

they became acquainted with the model as drafted with NCARB. (Goes through the sections of the bill).

Senator Horne: There is a state board of architects appointed by the Governor? Help me understand this board.

John: There is a state board of architecture the Governor appoints those who serve on the board and their qualifications are set out in statute. The state board regulates the profession.

The state board is composed of three architects and this board regulates all of the architects and the landscape architects. There are seven hundred registered architects in North Dakota.

One hundred and forty are resident architects and forty landscape architects.

Senator Horne: This bill is to expand and clarify the power and authority of the state board?

John: That's correct.

Discussion followed on the additional amount of money being asked to be given by the members.

Rick Engerbretson, President of the ND State Board of Architecture and Landscape Architecture: Written testimony in support of 1330.

Senator Andrist: Approximately how many days does your board meet?

Rick: Four times a year.

Discussion followed about the amount of money paid to the board. Where the rest of the money goes.

Senator Potter: What does it take to get a professional degree?

Rick: Most are going for national. Five to six years in architecture and three years under a licensed architect. They have to take eight tests and it usually a minimum of three to five years to pass all the tests.

Senator Behm: Are there a lot of changes going on?

Rick: The industry is changing very quickly. That is why we took a look at this law.

Bonnie Staiger, Executive Director of the State Board of Architecture: There are a couple of things I would like to clarify. The administrative rules process is one thing I would like to clarify. If this is adopted and becomes law then this board has to go into the administrative rules phase. That process is exhaustive; it will probably take a good year to go through all of the steps that are required to promulgate administrative rules. The vetting process, the hearing process, the thirty day notice and each step is outlined in statute it is monitored by Legislative Counsel and Administrative rules that participates fully in that. All the licensed architects and landscape architects under the board will have many opportunities to participate and follow the rules. The rules are tied to the statute. An administrative rule cannot be adopted unless it follows the statute very closely.

Discussed the error in the amount.

Chairman Klein: Closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1330

Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 24, 2009

Recorder Job Number: 11463

Committee Clerk Signature



Minutes:

Chairman Klein: 1330. Committee that was the issue of the architects we heard a lot of information. There was a lot of discussion about the five hundred dollar licensing fee. I went to see John the other day and asked him how that would work. He explained to me if they put in the bill the fee would be five hundred dollars annually that is what it is. But since they put in up to five hundred dollars they will now have to create rule go through the hearing process with this number that they have selected. They can't go forward with the actual fee increase until they go through the process.

Senator Andrist: How about if we authorize them a fee instead of up to, authorize of fee of two or three hundred dollar a year. Would they need to have rules?

Chairman Klein: Anything other than what is set.

Senator Wanzek: It says a fee of not more than five hundred dollars. The key word is, as set by the board. Unless it is the exact amount there would have to be a hearing by the board.

Chairman Klein: Bonnie do you want the up to language? That would require you to go to the board.

Bonnie Staiger: It has to go to the board anyway.

Senator Horne: If we say three hundred dollars or up to do you have to go through the rule making process?

Bonnie: The current language is up to one hundred dollars. It wasn't the board's intention to go up to five hundred dollars.

Senator Horne: So if we amend that down to three hundred dollars it still requires rule making process?

Bonnie: That's correct.

Senator Andrist: any time you alter the fee you have to through the administrative rule. So if you go up to one hundred and fifty dollars you have to go through the rule?

Bonnie: As long as it is in the stated maximum.

Senator Nodland: You would not want the grants and gifts?

Bonnie: Senator Potter was to remove that.

Chairman Klein: Why would we take the ability out?

Bonnie: The board is very fiscally responsible. They want to be beyond criticism. It was their intent to offset the cost by bringing up the fee for the landscape architects. That has been dealt with. They now would like that taken out.

Chairman Klein: Can we strike section sixteen out that deals with the fees?

Senator Horne: We could change this bill to say on the amendment that they have the authority to set the fee by rule.

Chairman Klein: Closed the hearing.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1330

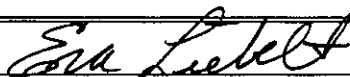
Senate Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: March 24, 2009

Recorder Job Number: 11494

Committee Clerk Signature



Minutes:

Chairman Klein: Call the committee back to order. Take a look at the amendments and the changes made. We replaced five with three. The goal was to make it within the boards work that they could go up to three hundred dollars but not have to come before the administrative rule.

Senator Andrist: Moved to pass the amendment.

Senator Potter: Seconded the motion.

Passed 7-0

Senator Andrist: Move a do pass as amended.

Senator Wanzek: Seconded the motion.

Passed 7-0

Senator Klein to carry the bill.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1330

Page 10, line 11, replace "five" with "three"

Page 10, line 13, replace "five" with "three"

Page 10, line 15, replace "five" with "three"

Page 10, line 17, remove the overstrike over "~~e~~."

Page 10, line 18, after "~~as~~" insert "Fees", remove the overstrike over "~~set by the board~~" and insert immediately thereafter "under this subsection are not subject to chapter 28-32", and remove the overstrike over the overstruck period

Renumber accordingly

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Date: 3/24/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1330

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number 90410.0301

Action Taken **Pass** **Do Not Pass** **Amended**

Motion Made By Senator Andrisc Seconded By Senator Potter

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne	✓	
Senator John M. Andrisc	✓		Senator Tracy Potter	✓	
Senator George Nodland	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment _____

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

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Date: 3/24/09
Roll Call Vote #: 2

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1330

Senate

Committee

Industry, Business and Labor

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken **Pass** **Do Not Pass** **Amended**

Motion Made By Senator Andrist Seconded By Senator Wanzek

Senator	Yes	No	Senator	Yes	No
Senator Jerry Klein - Chairman	✓		Senator Arthur H. Behm	✓	
Senator Terry Wanzek - V.Chair	✓		Senator Robert M. Horne	✓	
Senator John M. Andrist	✓		Senator Tracy Potter	✓	
Senator George Nodland	✓				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Klein

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

REPORT OF STANDING COMMITTEE

HB 1330: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1330 was placed on the Sixth order on the calendar.

Page 10, line 11, replace "five" with "three"

Page 10, line 13, replace "five" with "three"

Page 10, line 15, replace "five" with "three"

Page 10, line 17, remove the overstrike over "~~e~~."

Page 10, line 18, after "~~as~~" insert "Fees", remove the overstrike over "~~set by the board~~" and insert immediately thereafter "under this subsection are not subject to chapter 28-32", and remove the overstrike over the overstruck period

Renumber accordingly

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

CONFERENCE COMMITTEE

HB 1330

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1330

House Industry, Business and Labor Committee

Check here for Conference Committee

Hearing Date: April 15, 2009

Recorder Job Number: 11875

Committee Clerk Signature

Ellen LeTang

Chairman Kasper: Opens the Conference Committee on HB 1330 relating to the regulation, repeal regulation & provide a penalty of architects & landscape architects.

Representative Kasper: It appears that the reason for the conference committee was not anything the House or Senate did. Did we miss something?

Senator Klein: There was concern that 500 may be a bit steep to go from 100 to 500. What we came to agreement with was we reduced the fees on page 10, lines 11 & 13 to 300 and changed in each category in a, b & c. We took them out under the purview of the administrative rules committee when we lowered it to 300. That was the trade off and a lot of discussion.

Representative Kasper: With your amendments, did you have to amend out going to the rules process or is it simply the way the bill is written.

Senator Klein: If you look on page 10 under line 18, 2832 relates to the administrative rules process. For any other reason they are going through the process, they still they need to go through the administrative rules process. The fees in this section in this case will not go through the administrative rules process.

Representative Kasper: Did you receive the email from Bonnie Staiger concerning an omission from the bill? Bonnie, could you address the committee on what we are missing and why you would like to have the bill amended?

Bonnie Staiger~Architect Engineer. After this bill had gone through the hearing process in the Senate and was on the calendar. It came to our attention that the irrigation designers, through their national association, read the bill and had a concern that they may be in violation of this act. We agreed to include an exemption for them which would be on page 3, after item 2 and its inserting line 22, item d added. It basically creates an exemption for irrigation designers. (Reads the language).

Representative Kasper: Why do you want that exemption?

Senator Klein: After we brought this to the floor, there was a gentleman who contacted his Senator and was concerned that he was going to be regulated? I had, and Bonnie was aware of this, along with the president of their association, who also called him and made contact but to no avail he still believe that he was going to be over regulated and singled out. I believe this is a way to get them off their back.

Representative Kasper: What does an irrigation designer or contractor do, are they the ones who put in underground sprinklers?

Staiger: Yes, that is true but I also think it goes beyond that to the agricultural field as well. I'm not absolutely positive.

Representative Kasper: To your knowledge, do the irrigation designers have any regulation under the North Dakota statute?

Staiger: No, I'm not aware of any.

Senator Wanzek: If you are talking about commercial irrigation, once it reaches a certain size and amount of water, commercial irrigation requires water permits, commission oversight and

a lot of regulations. I think he's concern about pay the \$300 and become an architectural member.

Staiger: That correct. The other amendment that they had suggested would require those who were exempt to be certified irrigation designers. In looking at that, we realized that there only 2 folks in the state that have that certification. We didn't want to accidentally create a threshold for irrigation designers to have a certification.

Senator Horne: To the best of your knowledge, what regulation is he concerned about that would affect him adversely?

Staiger: He felt that if he didn't have the exemption and that he could be pursued by the state board of architecture as practicing architecture without a license. That's a real stretch but the state board of architecture as well as the landscape architect committee, to no avail, tried to reassure him that they were not going to pursue him. He continued to ask for an exemption.

Senator Wanzek: When I think of architecture, I think of aesthetic development. I think this would fall under engineering rather than architecture.

Staiger: This exemption goes into the section relating to landscape architects.

Senator Wanzek: I can just about assure that the person who put in my sprinkler system in probably has a High School degree, not an architecture degree.

Representative Kasper: If you look at page 2, item 6, line 4, the practice of landscape architecture, I can see where this individual might think where they could fall in under the definition. I don't think it hurts to exempt them.

Staiger: We are actually providing this language to you and it has been approved by the gentlemen as well as his association.

Representative Kasper: Your board and state architecture board?

Staiger: Yes.

Representative Clark: If we exempt him and then he is exempted from the dues too?

Staiger: Yes.

Senator Wanzek: Move that the house accede to the Senate amendment and further amend with language that was provided to us, item d.

Representative Thorpe: Second.

Representative Kasper: Further discussion?

Voting roll call was taken on HB 1330 which recommends that the House accede to the Senate amendments and further amend 90410.0302, title 0500 with 6 yes, 0 no, 0 absent and Representative Kasper is the carrier.

VR
4/15/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1330

That the House accede to the Senate amendments as printed on page 1119 of the House Journal and page 939 of the Senate Journal and that House Bill No. 1330 be further amended as follows:

Page 3, line 20, overstrike the second "or"

Page 3, line 22, after "property" insert "or

- d. An irrigation designer, contractor, or service provider in the course of preparing irrigation plans or installing, repairing, or maintaining irrigation systems"

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number 1330 (, as (re)engrossed):

Date: Apr. 15 - 2009

Your Conference Committee IBL

For the Senate:

For the House:

	YES / NO		YES / NO	
* Sen Klein	*		Rep. Kasper	*
* Sen Wanzer	*		Rep Clark	*
* Sen Horne	*		Rep Thorpe	*

recommends that the (SENATE/HOUSE) (ACCEDE to) (RECEDE from)

the (Senate/House) amendments on (SJ/HJ) page(s) 1119 - _____

_____ and place _____ on the Seventh order.

~~*~~, adopt (further) amendments as follows, and place 1330 on the Seventh order.

_____ having been unable to agree, recommends that the committee be discharged and a new committee be appointed.

((Re)Engrossed) 1330 was placed on the Seventh order of business on the calendar.

DATE: Apr 15 - 2009

CARRIER: Kasper

LC NO. 90410.0302 of amendment	0500
LC NO.	of engrossment
Emergency clause added or deleted	
Statement of purpose of amendment	

MOTION MADE BY: Sen Wanzer

SECONDED BY: Thorpe

VOTE COUNT 6 YES 0 NO 0 ABSENT

REPORT OF CONFERENCE COMMITTEE

HB 1330: Your conference committee (Sens. Klein, Wanzek, Horne and Reps. Kasper, Clark, Thorpe) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 1119, adopt further amendments as follows, and place HB 1330 on the Seventh order:

That the House accede to the Senate amendments as printed on page 1119 of the House Journal and page 939 of the Senate Journal and that House Bill No. 1330 be further amended as follows:

Page 3, line 20, overstrike the second "or"

Page 3, line 22, after "property" insert "; or

- d. An irrigation designer, contractor, or service provider in the course of preparing irrigation plans or installing, repairing, or maintaining irrigation systems"

Renumber accordingly

HB 1330 was placed on the Seventh order of business on the calendar.

2009 TESTIMONY

HB 1330

*Same testimony
given to
Senate.*

January 21, 2009

Chairman Keiser and members of the House Industry, Business & Labor Committee.

For the record, my name is Rick Engebretson. I reside and work in Fargo.

I am here testifying in my position as President of the ND State Board of Architecture and Landscape Architecture (NDSBA&LA).

Over the last six (6) years, my fellow board members Warren Tvenge - Bismarck, and Richard Nester - Minot, have been reviewing the current ND Century Code regulating Architects and most recently Landscape Architects. Our current laws are somewhat archaic relative to the current practices and licensure laws of other state architectural and landscape architectural boards.

The NDSBA&LA is a member board with the National Council of Architectural Registration Boards (NCARB). NCARB is made up of 50 state boards and 2 territories and its responsibility is to establish model laws for standards of architectural practice to protect the health, safety and welfare of the public and provide a defensible testing for architectural examination and licensure. NCARB is the foundation for regulating Architects nationally and for reciprocity to practice in other states. It is with NCARB's Model Laws and other states laws we have used to determine possible amendments to the North Dakota Century Code Chapter 43-03, Architects & Landscape Architects.

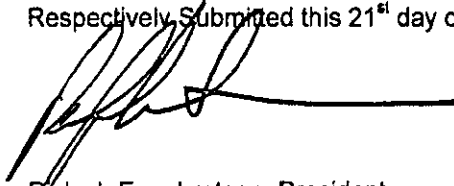
As I previously mentioned, we have been working on these modifications for six (6) years struggling with various time constraints in the reviewing large volumes of other state laws to update our laws to current industry standards. We have worked hard as a board reviewing & wordsmith and in a final trust of effort along with the help of John Olson, NDSBA&LA Board Attorney, Bonnie Staiger, NDSBA&LA Board Executive, and the Legislative Council, we are here to deliver House Bill 1330.

Page two, HB 1330 Testimony, January 21, 2009

In the simplest terms, HB 1330 brings the practice of architecture and landscape architecture within the State of North Dakota inline with other states' licensure laws and with current regional and national architectural and landscape practices. HB 1330 also provides updated wording for governing the practice of architecture & landscape architecture by the NDSBA&LA.

Thank you for allowing me this time to address the House Industry Business & Labor Committee on HB 1330. I, along with John Olson & Bonnie Staiger, are willing to answer any questions which the IBL Committee may have at this time.

Respectively Submitted this 21st day of January 2009

A handwritten signature in black ink, appearing to read 'Ricky L. Engebretson', with a long horizontal line extending to the right.

Ricky L Engebretson, President
NORTH DAKOTA STATE BOARD OF
ARCHITECTURE & LANDSCAPE ARCHITECTURE

Rick Engebretson

From: Rick Engebretson
Sent: Wednesday, January 21, 2009 3:45 AM
To: 'Mike Allmendinger'; Jim Hanson
Cc: Bonnie Staiger; Warren Tvenge; Richard Nester; 'John Olson'; AJ Wallevand; Nicole Crutchfield
Subject: RE: Licensing Law

Mike

Here are some points which support both what you currently need and the reality of the current state of licensure.

1. Landscape Architects are represented on the Board with the Technical Committee. This committee is established to handle any issues which may affect the regulating of Landscape Architects. We would not act on Landscape issues without first meeting with the Technical Committee. We have approximately three months between Board Meetings for the Technical Committee to meet and discuss issues they need addressed at the Board Level.
2. The ND Century Code as it exists today and with the new language is very good for regulating Architects & Landscape Architects.
3. The majority of the work we do at the board has to do with complaints, NCARB, reciprocal license applications which have some issues which require attention beyond Board Executive approval. To date the Board has received no complaints submitted against anyone licensed or unlicensed practicing landscape architecture and if we did we would have advance notice and can quickly assemble the Technical Committee to discuss the issues and make a recommendation to the board. The other issue with joining is CLARB and why join would you want to with so few Landscape Architects at such a disproportionate amount of money.
3. Currently the Landscape Architects represent: 7.97% of the total ND Resident Arch&LArch licenses; 3.5% of the Non-Resident Licenses; and, 4.37% of the total all the licenses. This hardly constitutes a 33% representation that a board position would include.
4. We have not had any issues with the Landscape Architecture side of the regulations and until something begins to surface, we see little need to have Landscape Architects represented beyond the Technical Committee.

When appropriate we will change the make-up of the board at a later date. I would suggest in 2011 or 2013, when other practices may wish to be given Title or Practice Status or it is in the best interest of related professions to consolidate.

If you still feel strongly about this, please send an e-mail to the IBL Committee Members today. I will bring up the subject this morning and give the Board's opinion in Testimony today.

Rick Engebretson

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From: Mike Allmendinger [mailto:mike@landelements.com]
Sent: Tuesday, January 20, 2009 11:31 PM
To: Rick Engebretson; Jim Hanson
Cc: Bonnie Staiger; Warren Tvenge; Richard Nester; 'John Olson'; AJ Wallevand; Nicole Crutchfield
Subject: RE: Licensing Law

Thanks for the reply and all the effort that is going into cleaning this up. I have been out of the office until today and just read this email now. As the Technical Committee we want to support the changes, but I would assume that the idea of changing the membership in the future years will be expensive and take additional time.

I have not talked to the rest of the technical committee regarding the Landscape Architect's representation on the Board and the

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public member, but I think the flip side to the 20% of membership is that Landscape Architects should have some representation of the governing body that represents us, (similar to the House and Senate of any government). It will be difficult to get the representation in a timely manner if/ when we do have problems to manage Landscape Architects in the future.

I don't want to distract the efforts that have been made to date on this bill, but I (I have not talk to other Technical Committee members) would ask the Board to reconsider the Landscape Architects and public member representation or minimally at least allow Landscape Architects and public members to be appointed to the board if the Governor chooses to do this. This would allow us as Landscape Architects and yourself to have a Landscape Architect on the Board without changing laws in the future.

I hope you can make this change/ express our concern at the hearing in the morning at 8:30am. If it is better to come from us as an email/ letter, we can quickly respond with a favorable approval and explain our thoughts on this one issue.

Thanks
Mike

From: Rick Engebretson [mailto:RickE@rleco.com]
Sent: Saturday, January 17, 2009 1:06 PM
To: Jim Hanson
Cc: Mike Allmendinger; Bonnie Staiger; Warren Tvenge; Richard Nester; 'John Olson'
Subject: RE: Licensing Law

Jim

Here is a link to HB 1330, <http://www.legis.nd.gov/assembly/61-2009/bill-text/JASO0300.pdf>, which is revising the Sections 43-03, governing ND Architects & Landscape Architects. Mostly clean-up issues for Architects and minor items with Landscape Architects. This is being done to get in line with most other state laws without making it too complicated.

Circle of quick items:

1. Interior Designers were never considered for our board for two reasons: (1) they are not currently licensed and (2) they are waiting until 2011 for a title act legislation.
2. Warren, Dick, Bonnie, John Olson (Bd Atty) and I discussed very extensively the make up of the board from 3 member board (3 Architects or 2 Architects & 1 Landscape Architect) versus a 5 member board (3 architects, 1 landscape architect & 1 public member). It was determined at this time it is prudent to leave the 3 member board all three architects for now and look at make-up modifications when (a) the landscape architects start having licensing issues, (b) the landscape architects increase membership to a 20% to 30% of the total architects & landscape architects, and/or (c) when additional disciplines become part of the board (i.e Interior Designers or combined A/LA/E board)
3. I was just informed yesterday that the first hearing is being held in the House's IBL Committee (Rep George Keiser-Chrm) on Wednesday, January 21st at 8:30 pm. If you feel you need to testify, you are more than welcome.

If you have any questions, please give me a call.

Rick Engebretson

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From: Jim Hanson [mailto:hdafargo@mcleodusa.net]
Sent: Friday, January 16, 2009 2:15 PM
To: Rick Engebretson
Subject: Licensing Law

1/21/2009

Hello Rick,

How is the bill for updating the Architectural and LA licensing going? Are the Interior Designers still to be included? Are LA's and Interior Designers still going to be a part of the board?

Thanks,

Jim Hanson
Registered Landscape Architect

HANSON DESIGN ASSOCIATES
2415 3rd Street North
Fargo, ND 58102

ph/fax: 701.298.8392
cell: 701.793.2759
email: hdafargo@mcleodusa.net

Kasper, Jim M.

From: Bonnie Staiger, Hon. AIA [bonnie@bis.midco.net]
Sent: Thursday, April 09, 2009 8:02 PM
Kasper, Jim M.
Klein, Jerry J.
Subject: Conference Committee for HB 1330 (architects licensing bill)

Rep. Kasper,
Here is the additional exemption needed to resolve the issue. This language should be added to page # 3, item-2 (insert after line 22) .

d. An irrigation designer, contractor or service provider in the course of preparing irrigation plans or installing, repairing or maintaining irrigation systems.

You should be able to find me easily in the halls over the next weeks,
Bonnie Staiger

From: Keiser, George J. [mailto:gkeiser@nd.gov]
Sent: Thursday, April 09, 2009 10:37 AM
To: Bonnie Staiger, Hon. AIA
Subject: RE: Request DO NOT CONCUR for HB 1330 (architects licensing bill)

Bonnie- Rep. Kasper is chairing the conference committee. Please talk with him re the amendments. Thanks George

From: Bonnie Staiger, Hon. AIA [mailto:bonnie@bis.midco.net]
Sent: Wednesday, April 08, 2009 7:03 PM
Keiser, George J.
Subject: Request DO NOT CONCUR for HB 1330 (architects licensing bill)
Importance: High

George,
I know we chatted about this briefly today but my mind was on another issue and I forgot to mention that the architects need the licensing bill (HB 1330) to go to conference committee. We need to address an easily corrected issue relating to irrigation designers that arose the day the bill was on the senate floor for final vote.

I have the language that the irrigation designers want included (one sentence exemption) and it should be an easy correction. Jerry Klein is aware of the need to add this.

Bonnie Staiger