

2009 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2268

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2268


Senate Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: January 28, 2009

Recorder Job Number: 7992

Committee Clerk Signature



Minutes:

Chairman Klein: We will go to SB 2268.

Senator Nodland: This bill is about clean up and bringing things up to date. It's about the board being able to function as it was intended. Written testimony Attached. In favor of SB 2268.

Kevin Nelson, North Dakota Board of Registration for Professional Engineers and Land

Surveyors: Written Testimony Attached. In favor of Senate Bill 2268.

Chairman Klein: As you went through the list you took into account the amendments?

Kevin: Yes, that is correct.

Discussion continued on the difference between Engineers and Land Surveyors.

Chairman Klein: By and large everyone is approving the changes?

Kevin: That is correct, they are in agreement.

Senator Andrist: Tell us about out of state members, do they pay the same registration fee and what is it, how does it work?

Kevin: The process is the same the license fee is the same for out of state and in state.

Discussion continued.

Chairman Klein: Closed the hearing on Senate Bill 2268.

Moved by Senator Nodland to approve all amendments. Seconded by Senator Horne.

Row Call Vote: Yes: 7 No: 0 Absent: 0

Moved to pass as amended Senator Nodland. Seconded by Senator Andrist.

Refer back to appropriations.

Roll Call Vote: Yes: 7 No: 0 Absent: 0

Floor Assignment: Senator Nodland.

FISCAL NOTE
Requested by Legislative Council
02/02/2009

Amendment to: SB 2268

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		\$31,250		\$31,250
Expenditures		\$0		\$20,400		\$20,400
Appropriations						

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

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).*

The bill modernizes the language and terminology and redefines professional practice and registration. It provides for an increase in business registration fee cap and board member per diem rates.

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.*

43-19.1-05 increases per diem cap for Board members to \$135. Expense of \$20,400. Figure assumes Board will maximize the increase.

43-19.1-27 increases number of business entities registered. Revenues of \$31,250. Figure is an estimate.

43-19.1 (6) increases fee cap for business entity registration. At this time, the Board has no intent to raise registration fees so there is no immediate fiscal impact. The board is only seeking an increase in the fee cap as it did for individual registrations in the 2004 legislative assembly.

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.*

The bill will have an impact on one, and possibly two areas of revenues for the state board of registration. SB 2268 redefines the requirements for the certificate of authorization (COA) and in so doing increases the revenues that will be realized from additional COAs being registered. The raising of the fee cap for COA registrants would have a revenue effect only when and if the state board of registration increases the renewal fee for these registrations. The COA is a registration for businesses performing engineering or surveying in North Dakota. Professional engineers and professional land surveyors will continue to be registered as individuals. Passage of SB 2268 will increase the total amount of application fees and renewal fees being collected from business entities who will now be required to become registered under the new amended registration requirements. The added revenue was determined by estimating the number of new registrants under this section. In the amount for the 2009-2011 biennium, the majority of the amount will be application fees. In the 2011-2013 biennium, the majority of the revenue will be from renewal fees. The figure assumes that every new COA issued will be renewed for the next biennium. At the present time, the state board of registration has approximately 475 COA registrants. As was mentioned earlier, the fee cap on the renewal is proposed to be increased from \$100.00 annually to \$200.00 however this change will only take effect when the state board would take action to implement this change.

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.

The area of fiscal impact on expenditures is limited to an increase in the board member per diem rate that was last changed in 1977. At present, board members daily per diem is \$25.00 and is paid to board members while attending meetings of the board of registration or while otherwise engaged in official state board business. This bill proposes increasing the daily per diem rate to \$135.00. This increase will result in a biennial increase in this expenditure category of \$20,240.00 for both the 2009-2011 and 2011-2013 bienniums. The amount was determined by reviewing the previous fiscal year which was viewed as an average year and extending the amounts. These amounts depend on board activity and business, however the state board's last fiscal period was considered to be a valid base upon which to make projections for this purpose. The proposed change will result in a per diem that is comparable with other state boards, commissions and agencies.

- 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:	Clifford E. Keller	Agency:	North Dakota State Board of Registration
Phone Number:	701-258-0786	Date Prepared:	02/02/2009

FISCAL NOTE
Requested by Legislative Council
01/20/2009

Bill/Resolution No.: SB 2268

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
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Appropriations						

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Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

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).*

The bill moderizes the language and terminology and redefines professional practice and registrations. It provides for an increase in business registration fees and board member per diem rates.

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.*

Changes that will have a fiscal impact include increasing board member per diem rates and clarification in the requirements for engineering/surveying business registration which in turn will increase the number of application fees and renewal fees for this increase in business registrations and the increase of the fee cap for renewals for the business registrations.

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.*

The bill will have an impact on one, and possibly two areas of revenues for the state board of registration. SB 2268 redefines the requirements for the certificate of authorization (COA) and in so doing increases the revenues that will be realized from additional COAs being registered and the raising of the fee cap for COA registrants which would have a revenue effect only when and if the state board of registration increases the renewal fee for these registrations. The COA is a registration for businesses performing engineering or surveying in North Dakota. Professional engineers and professional land surveyors will continue to be registered as individuals. Passage of SB 2268 will increase the total amount of application fees and renewal fees being collected from business entities who will now be required to become registered under the new amended registration requirements. The added revenue was determined by estimating the number of new registrants under this section. In the amount for the 2009-2011 biennium, the majority of the amount will be application fees; while in the 2011-2013 biennium, the majority of the revenue will be from renewal fees. At the present time, the state board of registration has approximately 475 COA registrants. As was mentioned earlier, the fee cap on the renewal is proposed to be increased from \$100.00 annually to \$200.00 however this change will only take effect when the state board would take action to implement this change.

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.*

The area of fiscal impact on expenditures is limited to an increase in the board member per diem rate that was last changed in 1977. At present, board members daily per diem is \$25.00 and is paid to board members while attending

meetings of the board of registration or while otherwise engaged in official state board business. This bill proposes increasing the daily per diem rate to \$135.00. This increase will result in a biennial increase in this expenditure category of \$20,240.00 for both the 2009-2011 and 2011-2013 bienniums. The amount was determined by reviewing the previous fiscal year which was viewed as an average year and extending the amounts. These amounts depend on board activity and business, however the state board's last fiscal period was considered to be a valid base upon which to make projections for this purpose. The proposed change will result in a per diem that is comparable with other state boards, commissions and agencies.

- 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:	Clifford E. Keller	Agency:	ND State Board of Registration for PE/LS
Phone Number:	701-258-0786	Date Prepared:	01/26/2009

PROPOSED AMENDMENTS TO SENATE BILL NO. 2268

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to recognition of retired status for engineers;"

Page 3, line 17, after "10." insert "11." and remove the overstrike over "~~Retired registrant~~
~~means a duly registered professional engineer or land surveyor~~"

Page 3, remove the overstrike over lines 18 through 20

Page 3, line 21, overstrike "11." and insert immediately thereafter "12."

Page 4, line 2, remove the overstrike over "three"

Page 5, line 2, overstrike "the sum of", remove "one hundred thirty-five", overstrike "dollars", and after "diem" insert ", in an amount established by the board which may not exceed one hundred thirty-five dollars."

Page 5, line 10, overstrike "Special meetings may be held as the bylaws of the board provide."

Page 9, replace lines 8 through 30 with:

- "1. ~~Is a graduate of an engineering curriculum of four years or more an~~
engineer intern with a baccalaureate degree in engineering from an
institution offering accredited programs approved by the board as being of
satisfactory standing, and with who has a specific record of an additional
four years or more of experience in engineering work of a grade and
character which indicates to the board that the applicant may be competent
to practice engineering, ~~and who holds a valid engineer-in-training~~
~~certificate.~~
2. ~~Is a person who has satisfactorily completed a four-year engineering~~
~~curriculum not an engineer intern with a baccalaureate degree in~~
engineering from a program that is not accredited but is approved by the
board, and who has eight years or more of progressive experience in
engineering work of a character and grade which indicates to the board
that the applicant is competent to practice engineering, ~~and who holds a~~
~~valid engineer-in-training certificate.~~
3. ~~Is a person~~ an engineer intern with a specific record of at least twenty
years of lawful practice in engineering work during at least ten years of
which the applicant has been in responsible charge of important
engineering work which is of a grade and character ~~which that~~ indicates to
the board that the applicant is competent to practice engineering, and who
holds a valid ~~engineer-in-training~~ engineer intern certificate as of July 1,
2004.

4. ~~Is a person with experience of not less than four years as an engineer intern who meets one of the educational requirements listed in subsection 1, 2, or 5, who has been a teacher of engineering in a college or university offering an approved engineering curriculum of four years or more, and who has had a minimum of two years of practical nonteaching engineering experience which that is of a character and grade which that indicates to the board that the applicant is competent to practice engineering.~~
5. ~~Is a person who has satisfactorily completed a four-year or more an engineer intern with a baccalaureate degree in an engineering-related curriculum and program, who has at least twelve years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant is competent to practice engineering and holds a valid engineer-in-training certificate."~~

Page 10, remove lines 1 through 5

Page 10, line 11, remove "engineer intern. An"

Page 10, line 12, remove "engineer intern", overstrike "certification is valid for a period of twelve years, if the applicant is", and after "~~person~~" insert "engineer intern. An engineer intern is"

Page 10, line 13, overstrike "is" and insert immediately thereafter "has"

Page 10, line 14, overstrike "graduate of an approved engineering curriculum of four years or more" and insert immediately thereafter "baccalaureate degree in engineering from an institution that offers accredited programs"

Page 10, replace lines 18 and 19 with:

- "2. ~~An applicant who has satisfactorily completed a four-year engineering curriculum other than the ones~~ A baccalaureate degree in engineering from a program that is not accredited but is approved by the"

Page 10, replace line 24 with:

- "3. ~~An applicant who has satisfactorily completed a four-year~~ A baccalaureate degree in an"

Page 11, replace lines 11 and 12 with:

- "2. ~~A graduate from an accredited engineering or surveying curriculum of four years or more;~~ Has a baccalaureate degree in engineering or surveying from an institution that offers accredited programs approved by the"

Page 13, line 19, overstrike "serial" and insert immediately thereafter "registration"

Page 13, line 22, overstrike "must", overstrike "issued" and insert immediately thereafter "presented to a client, contractor, subconsultant, or any public agency", and after the second comma insert "must"

Page 13, line 23, after "signed" insert ", dated,", overstrike "said", and overstrike "thereof" and insert immediately thereafter "of the seal. A working drawing or unfinished document must contain a statement to the effect the drawing or document is preliminary and not for construction, recording purposes, or implementation"

Page 14, line 23, overstrike "in writing"

Page 18, line 9, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 18, line 23, overstrike "issued" and insert immediately thereafter "presented to a client, contractor, subconsultant, or any public agency"

Page 19, line 4, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 19, line 18, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 19, line 19, overstrike "authorization" and after "~~shall~~" insert "commercial practice"

Page 19, line 24, overstrike "authorization" and insert immediately thereafter "the certificate of commercial practice"

Page 19, line 30, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 20, line 3, overstrike "authorization" and after "~~be~~" insert "commercial practice"

Page 20, line 11, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 20, line 12, overstrike "authorization" and insert immediately thereafter "commercial practice"

Page 22, after line 21, insert:

"SECTION 32. A new section to chapter 43-19.1 of the North Dakota Century Code is created and enacted as follows:

Retired registrant. The board may recognize an individual who is no longer practicing as an engineer or land surveyor as a retired registrant."

Renumber accordingly

Date: 11/28/09
Roll Call Vote #: 1

Senate

Industry, Business and Labor

Legislative Council Amendment Number Amendment

Motion Made By Senator Nodland Seconded By Senator Horne

[illegible]

Total (Yes) 7 No 0

Absent _____

Floor Assignment _____

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

++

Date: 1/28/09
Roll Call Vote #: 12009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2268

Senate

Committee

Industry, Business and Labor☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken

☒ Pass☐ Do Not Pass☒ AmendedMotion Made By Senator Nodland Seconded By Senator Andrist

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 0Absent 0Floor Assignment Senator Nodland

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

move to pass the bill as amended and
refer back to appropriations!

REPORT OF STANDING COMMITTEE

SB 2268: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2268 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 43-19.1 of the North Dakota Century Code, relating to recognition of retired status for engineers; to"

Page 3, line 17, after "~~10.~~" insert "11." and remove the overstrike over "~~"Retired registrant" means a duly registered professional engineer or land surveyor"~~"

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2. ~~Is a person who has satisfactorily completed a four year engineering curriculum not an engineer intern with a baccalaureate degree in engineering from a program that is not accredited but is approved by the board, and who has eight years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant is competent to practice engineering, and who holds a valid engineer in training certificate.~~
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4. ~~Is a person with experience of not less than four years as an engineer intern who meets one of the educational requirements listed in subsection 1, 2, or 5, who has been a teacher of engineering in a college or university offering an approved engineering curriculum of four years or more, and who has had a minimum of two years of practical nonteaching engineering experience which that~~ is of a character and grade ~~which that~~

indicates to the board that the applicant is competent to practice engineering.

5. ~~Is a person who has satisfactorily completed a four year or more an engineer intern with a baccalaureate degree in an engineering-related curriculum and program, who has at least twelve years or more of progressive experience in engineering work of a character and grade which indicates to the board that the applicant is competent to practice engineering and holds a valid engineer in training certificate."~~

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Renumber accordingly

2009 SENATE APPROPRIATIONS

SB 2268

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2268

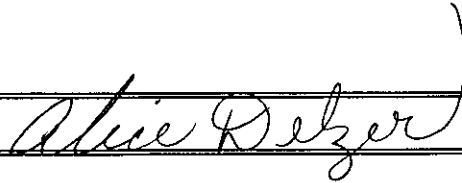
Senate Appropriations Committee

☐ Check here for Conference Committee

Hearing Date: 02-09-09

Recorder Job Number: 8987

Committee Clerk Signature



Minutes:

Chairman Holmberg called the committee hearing to order at 9:00 am in reference to SB 2268 in regards to recognition of retired status for engineers. Chairman Holmberg welcomed the guests and indicated the committee wants to focus on the amount of money in the bill.

Senator George Nodland, District 36, Dickinson, presented SB 2268 and was in support of the bill. He indicated that most in attendance had heard this bill and the amendment is on the bill. He introduced an expert that will talk to the committee and answer any questions.

Clifford Keller, Executive Secretary, ND State Board of Registration for Professional Engineers and Land Surveyors, testified in support of SB 2268 and provided written testimony # 1. He indicated the bill had been sent to the Legislative Council which resulted in a number of amendments which he discussed.

Chairman Holmberg stated that what you did in this bill when you review the fiscal note, you will have increased your revenues. You would have increased your expenditures, for your account and it will be a small plus.

Clifford Keller responded yes.

Senator Mathern indicated we have this bill on the heels of the last one which discussed exempting people from continuing education and requirements if they are employed. Why would we exempt anybody from professional training..

Mr. Keller indicated we are talking about engineers that cannot sign.

Senator Mathern stated they still called engineers, and does the public know?

Mr. Keller indicated the individual who is not keeping up with the CCP cannot refer to himself as an engineer. When you go down town for an engineer, they will be a professional engineer.

Senator Mathern stated holding themselves out as an engineer and not doing continuing education.

Mr. Keller indicated they can't go out and moonlight. Their exemption ceased if they would go out and do private practice.

Chairman Holmberg questioned OMB, if the money goes into special funds what is the balance in the fund. (12.40)

Mr. Keller indicated the approximate dollar amount that has to carry us through the end of the biennium indicated they operate on a fiscal year and they collect for a two year period. This money collected in advance is deferred revenue.

Chairman Holmberg indicated the reason he asked is there has been discussion this session about the board of pharmacy having a large cushion.

Chairman Holmberg stated the committee is ready to vote.

Vice Chairman Grindberg moved a do pass on SB 2268. **Senator Mathern** seconded.

Discussion followed summarizing it is a huge policy issue. A roll call vote was taken resulting in 13 Yea, 0 Nay, 1 absent.

The bill goes back to IBL and Senator Nodland will carry it to the floor.

Date: 2/2/09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2268

Senate _____ Committee _____

☐ Check here for Conference Committee

Legislative Council Amendment Number 2268

Action Taken DP

Motion Made By T Grindberg Seconded By Mather

Representatives	Yes	No	Representatives	Yes	No
Senator Wardner	✓		Senator Robinson	✓	
Senator Fischer	✓		Senator Lindaas	✓	
V. Chair Bowman	✓		Senator Warner	✓	
Senator Krebsbach	✓		Senator Krauter	✓	
Senator Christmann	✓		Senator Seymour	✓	
Chairman Holmberg	✓		Senator Mather	✓	
Senator Kilzer	✓				
V. Chair Grindberg	✓				

Total Yes 13 No 0

Absent 1

Floor Assignment Back to I B L Sec/NOd Land

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

REPORT OF STANDING COMMITTEE (410)
February 9, 2009 2:34 p.m.

Module No: SR-25-2172
Carrier: Nodland
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2268, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman)
recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).
Engrossed SB 2268 was placed on the Eleventh order on the calendar.

2009 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2268

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 2268

House Industry, Business and Labor Committee

☐ Check here for Conference Committee

Hearing Date: March 9, 2009

Recorder Job Number: 10493

Committee Clerk Signature

Ellen Letang

Chairman Keiser: Opened the hearing on SB 2268 relating to recognition of retired status for engineers.

Senator Nodland~District 36 from Stark County. SB 2268 is a bill from the North Dakota board of registration for professional engineers and land surveyors. Basically what they are doing is they are rewriting their total law. They are asking to raise the daily board member per diem from \$25 to an amount to not exceed \$135.

Kevin Nelson~PE, LSI, Member and Vice Chairman North Dakota State Board of Registration for Professional Engineers & Land Surveyors. See testimony attachments.
Randi Julson~Self. See testimony and amendment attachment.

Representative Clark: Do I understand, you have a professional engineering degree but you never sat in the IEC exam.

Julson: I have a professional engineering license but I've not sat for the IEC exam.

Representative Clark: Is that the only thing you are missing?

Julson: I have an associate's degree but I do not have a four engineering degree... The requirement in the state of Wisconsin was that they waived you four engineering degree with four years of work experience. Explains steps on how he received credit for his fundamentals of engineering.

Representative Clark: There is not a provision for you to be grandfather in.

Julson: Not to my knowledge the way I understand the statues.

Representative Nottestad: The method you went through in Wisconsin, is that still current practice in Wisconsin?

Julson: Yes and it is also like I stated, in four or five states total.

Representative Boe: Do you know how long we have required a four year degree?

Julson: No, I do not.

Vice Chairman Kasper: On line eight, line 17, it talks about registration without examination, down to line 20, do you not qualify under that definition.

Julson: I don't believe so because the comparable qualifications issued to that person by a proper authority of another state, the qualifications aren't comparable. The state requires the exam and as far as I can see there aren't any provisions for waivers.

Vice Chairman Kasper: On the top of the section on line 17 it says, registration without examination. This is the section where you would not have to take the exam. I could be wrong, but that's what I think it says.

Julson: I would agree with you if there was a waiver because it states in here on the basis of comparable qualifications and qualifications for the state of Wisconsin are different than the qualifications for the state of North Dakota.

Vice Chairman Kasper: That's where you were originally licensed?

Julson: Yes and still currently licensed there.

Vice Chairman Kasper: Their qualifications are much less than ours?

Julson: They are less than the state of North Dakota.

Chairman Keiser: From a policy standpoint, this law change updating, you see negative impacts you because of your coming up through the system.

Julson: Yes.

Chairman Keiser: Would your amendments take us back to support your situation? Would you support that for any new young people coming through the school that they should be able follow your track and not have to meet the requirement of the baccalaureate degree, just simply go to a two year school and come in and work for four years, now they have to be engineers?

Julson: It would have to be 12 years of work and yes I would support that. The difference is that the people who are going to school, they have in their mind, their career paths staked out. They start down a career path and it gets shifted along the way. Now they decide, you know what; this is an awesome career, hindsight, that's the path I would have chosen.

Chairman Keiser: So there is an advantage.

Julson: I believe so.

Representative Amerman: The four year baccalaureate degree, is there a year or two that just deals with the common, general courses?

Julson: I don't have the expertise to answer that question. I'm sure there are general education requirements that are not strictly engineering classes that are required for the bachelor degree.

Representative Thorpe: We hear there is a shortage of engineers, is there a shortage of engineers in North Dakota?

Julson: At the place where I work, when there is an opening for a control systems engineer or an electrical engineer, it usually takes an average of a year to find a person to fill that. The past couple of positions we had, ended up being filled with inexperienced people that are fresh out of college. It seemed that was our option was either to continue down the road to try to find people unsuccessfully or to go ahead and hire the inexperienced out of college and bring

them up. There are advantages when you hire inexperienced, it is that they haven't picked up any bad habits elsewhere. Also, you don't have any background of how documentations systems work and the first one you see is what's in front of you, it so much easier to grasp.

Representative Thorpe: How many people will be unemployed if we pass this bill.

Julson: I don't think you will cause any people to be unemployed. The people who have jobs, already have their jobs, this is for positions that are sought to fill.

Representative Thorpe: The people that are out of college and have a degree but didn't have the experience?

Julson: Yes, with the last couple of positions that we have hired, were people that did have an engineering degree but did not have experience.

Vice Chairman Kasper: Let come back to page eight where in the bill you can registered without an exam, on line 23, "in the opinion of the board, based upon verified evidence, meets the requirements of this chapter", are you concerned in your particular case that regardless of your experience or background , the board is not going to approve you? Have you had a conversation with the board?

Julson: I have not applied to the board yet, sir.

Vice Chairman Kasper: If you don't get registered under North Dakota law? Are you currently registered?

Julson: I am currently registered in the state of Wisconsin and not in North Dakota.

Vice Chairman Kasper: Are you going to have to be registered in the state of North Dakota if this bill passes and will you need the registration to keep your job?

Julson: I will not need that to keep my job. My job title is system specialist and that's one way that some companies will separate job titles. My previous job where I was at, I was a project coordinator because I couldn't be called an engineer.

Vice Chairman Kasper: So then to be clear, whether or not this bill passes, won't jeopardize your current job at all?

Julson: That is correct.

Chairman Keiser: The amendment you are requesting is that you currently you could not be designated as an engineer, with the amendment you could hold the title of engineer?

Julson: With the amendment I would apply to the state of North Dakota for a licensure and I would feel that I would have something behind me to back me up and along with some other people. One other thing, my job isn't in jeopardy because I don't have it but there will be doors that will not be open for me.

Chairman Keiser: Could you apply to the state of Wisconsin to be designated an engineer?

Julson: I am in the state of Wisconsin.

Representative Clark: Is your situation, you are not selling engineering services and neither is your company, but your company wants an engineer on your staff. The only difference is, with the license, with the state of North Dakota, you can sell services as an engineer, right?

Julson: Yes but as far as signing & approving drawing, I can check them but cannot give final approval on the drawing.

Francis Ziegler~Director of the North Dakota Department of Transportation. I'm here today as a professional engineer. As you recall a number of years ago, the Department of Transportation and with this legislative body, worked on continuing education units and talked about these time frames for registration. I am the director now and had the title of director of project development, who handles the bridge division and all the designs, materials division and all their research, and the design division. When I was promoted, Mr Ron Henke got my job. Mr Henke was a construction manager who could not take his PE exam in North Dakota. He went back to the university to get his degree to get his fundamentals engineering and is

now the PE to do the job. We as a DOT would not have to have PE as owners. We only need it when we sell our product. We as a DOT, however, never liked to have professional engineers stamp our plans.

Representative Boe: Do you have a four year degree?

Ziegler: Yes.

Representative Boe: Would you have had the opportunity to become a professional engineer without that degree?

Ziegler: No.

Representative Thorpe: Are you supporting the bill without the amendment. What would this bill do if we added it?

Ziegler: This basically waters down the North Dakota state's registration and it will create great difficulties, not only for the DOT when we go to register in Minnesota, but for any other engineer who has to go to do work and needs to have reciprocity.

Representative Thorpe: Will you have any problem in getting qualified engineers with this un-amended bill?

Ziegler: The DOT has had some difficulty because the job market been pretty tough. We have five or six positions open as we speak today but we are continuing to work on getting those hired. Is there a shortage of engineers? It depends on the activities as any given time. Right now I know of one state that is going to lay off 1,500 of its employees. Right now, the North Dakota DOT is having a tough time and a lot of that deals with the salaries but I don't want it watered down to so we can hire.

Chairman Keiser: We are not going to go to appropriations with you to make argument for more money, but we hear you.

Representative Clark: When you hire an engineer, you are hiring a registered professional engineer. You are not necessarily hiring a specific engineer; it could be electrical, mechanical, civil or other. There is no impediment on how you might employ an engineer like that?

Ziegler: Typically, we hire civil engineers because of the nature of our work. In answer to your question, you may if they have experience.

Representative Clark: What I'm saying is the diploma you hang on the wall says that you are a registered professional engineer. Once you have that you could practice any area of that field that you want to, is that true?

Ziegler: That correct.

Chairman Keiser: Just to follow up; is there a program that professional have to take in the four year period so they have courses that would be applicable to the various areas of engineering?

Ziegler: Of the 204 credits that I had to take, 184 were engineering related. There are very few general courses.

Dean Anagnost~Self and as an officer representing Kadrmas, Lee & Jackson, Inc. a local engineering consultant firm. I am here to support the bill as it is offered and oppose the amendment. I was able to gain registration in several states, including North Dakota. I'm registered in seven states. Because of the stringent and professional requirements in the state of North Dakota, we believe the professional skill and obligation that accompany the privilege of being a licensed practicing professional engineer are grounded first in our education. The FE examination is there to provide competent diversification in being able to practice.

Engineering is not defined by a single discipline but give us a diverse knowledge to address all engineering principles that are available to us. As you heard earlier, the National Council of Examiners has established a curriculum and criteria to make sure there is consistency in the

way a professional engineer is measured, gauged and qualified. We believe North Dakota has modeled their guidelines after that and as a business operating in North Dakota and several other states; we are very supportive of those guidelines for our professions.

Chairman Keiser: You are registered in seven states, how many of those are through reciprocity versus taking the test in that state?

Anagnost: There is 5 ½ states because of the requirement in North Dakota.

Chairman Keiser: If we adopted the amendment, would that affect that reciprocity?

Anagnost: Actually, it would water it down and make it easier for less qualified people to have the same credential that I have.

Chairman Keiser: So, it would not negatively impact your reciprocity registration in the other states.

Anagnost: It would not.

Chairman Keiser: Is there anyone here to testify in opposition SB 2268, neutral? Seeing no one, closes the hearing, what are the wishes of the committee?

Representative Ruby: Motions to adopt the amendment.

Representative Boe: Second.

Representative Ruby: I understand the concerns when people have demonstrated the years of experience in doing the work and it doesn't affect the reciprocity, I look at this as reasonable.

Chairman Keiser: Further discussion?

Roll call to adopt the amendment failed due to a tie with 6 ayes, 6 nays, 1 absent, motion fails.

Chairman Keiser: What are the wishes of the committee?

Representative Nottestad: Motions a Do Pass on SB 2268.

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House Industry, Business and Labor Committee

Bill/Resolution No. 2268

Hearing Date: March 9, 2009

Representative N Johnson: Second.

Voting roll call was taken on SB 2268 for a Do Pass with 12 ayes, 0 nays, 1 absent and

Representative Thorpe will be the carrier.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2268

Page 2, line 12, overstrike "education," and overstrike the second comma

Page 3, line 9, overstrike "and" and insert immediately thereafter "or" and after "experience"
insert "or both"

Page 10, after line 8, insert:

- "6. Is an individual who produces satisfactory evidence of a minimum of twelve years' experience in professional engineering work which is of a grade and character that indicates to the board that the individual is competent to practice engineering."

Renumber accordingly

Date: Mar 4 - 2004Roll Call Vote # 1

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2268House 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 _____ Seconded By _____

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser		✓	Representative Amerman	✓	
Vice Chairman Kasper			Representative Boe	✓	
Representative Clark		✓	Representative Gruchalla	✓	
Representative N Johnson		✓	Representative Schneider	✓	
Representative Nottestad		✓	Representative Thorpe	✓	
Representative Ruby	✓				
Representative Sukut		✓			
Representative Vigasaa		✓			

Total (Yes) 6 No 6

Absent _____

Floor Assignment _____

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

fails

Date: Mar. 9 - 2009Roll Call Vote # 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 2268House House, Business & Labor Committee☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ As AmendedMotion Made By Nottestad Seconded By N Johnson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	✓		Representative Amerman	✓	
Vice Chairman Kasper			Representative Boe	✓	
Representative Clark	✓		Representative Gruchalla	✓	
Representative N Johnson	✓		Representative Schneider	✓	
Representative Nottestad	✓		Representative Thorpe	✓	
Representative Ruby	✓				
Representative Sukut	✓				
Representative Vigasaa	✓				

Total (Yes) 12 No 0Absent 1Floor Assignment Thorpe

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

REPORT OF STANDING COMMITTEE

SB 2268, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2268 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

SB 2268

Testimony for SB 2268
Kevin G. Nelson, P.E., L.S.I.
North Dakota Board of Registration for Professional Engineers and Land Surveyors

Chairman Klein, and members of the North Dakota Senate IB&L Committee,

Thank you for this opportunity to provide testimony for insight into the legislation proposed by the North Dakota Board of Registration for Professional Engineers and Land Surveyors (the "Board").

Please allow me to provide clarification into the process of arriving at the proposed legislation that is before you today:

- During the past few years, the Board has been noting language in the current law that is either out-of-date or is inconsistent with present-day application of licensing of Professional Engineers and Land Surveyors;
- With this process, we have gathered these notes to prepare the proposed legislation today;
- We believe these changes are necessary to allow the Board to function as the legislature intended back when it created this licensing oversight board,
 - Examples of these inconsistencies are given below;
- However, in submitting our desired legislative language, some of the verbiage was inadvertently changed,
 - These changes presented a proposed bill that did not reflect the necessary modifications the Board was seeking, and
 - Thereby, necessitating amendments to get the legislation back to the intent of our proposed bill.
 - The amendments, as we understand them to be, comprise the bill that is before you today.
 - Other proposed changes to the current law, or
 - Other amendments to the proposed bill,
 - Have not been reviewed by the Board, and
 - Are not, therefore, endorsed by us.
- Our proposed bill, and our subsequent amendments, have been discussed with
 - Our sponsors,
 - Members of the ND Senate IB & L Committee, and
 - The legislative council
 - in particular, with Jennifer of the LRC,

Without going into detail of every change, I ask your indulgence to summarize the less substantive changes to the current law, then to provide better insight into the few areas that require more explanation. Of the changes proposed to NDCC 43-19.1, the following sections

contain language that brings our law into modern compliance with licensure across our great nation:

- All pertinent sections
 - Terms have been modernized
 - Terms like “a person,” “any person,” etc., have been replaced with “an individual.”
- Section §02
 - Significant definition changes include “in training” to “intern”
 - Whether for engineer intern, or surveyor intern
 - To make the term consistent with other states
 - The definition for “Professional Land Surveyor” was added
 - To bring consistency to the definitions of the two professions, and
 - To provide a definition similar to that used by our neighboring states.
- Sections §03 and §04
 - Clarifying language to make this section less vague.
- Section §05
 - Substantive change
 - Increase per diem amount from \$25.00 to potential \$135.00
 - Does not include a request in raising licensing fees
 - Brings the per diem amount in line with other boards and commissions
 - \$25.00 rate was set more than 30 years ago
- Section §06
 - No proposed changes
- Sections §07 and §08
 - Non-substantive verbiage changes recommended by the LRC
- Section §09 and §10 and §11
 - Clarifying language to make this section less vague,
 - Updating language to
 - Eliminate out-of-date terminology, and
 - Allow use of modern technology to provide information other than just via mailing.
- Section §12
 - Definition changes per Section §02, above.
- Section §13
 - Terminology changes, except for
 - Para. 2
 - Deletion necessary because
 - there is no longer an organization known as the “National Bureau of Engineering Registration,” and

- there is no “national” registration for engineers or surveyors
 - each state is sovereign in its ability to license professionals
 - This deletion does not eliminate licensure by “comity”
 - We still recognize other state’s licensure laws.
- Sections §14, §15, §16, §17 and §18
 - Non-substantive verbiage changes.
 - Clarifies and updates terminology
 - No changes in licensing fee cap
- Section §19
 - Elimination of specified percentages for test scores
 - Our exams are now nationalized, established by NCEES
 - Scores are based on Psychometric measures, not raw percentages as in the past,
 - So, raw percentages hinder licensure and could result in a qualified individual not getting licensed
 - This brings our examination passing requirements in line with surrounding states
 - Making comity more accessible both ways
- Section §20
 - Definition changes per Section §02, above.
- Section §21
 - Non-substantive verbiage changes.
 - Clarifies and updates terminology
- Sections §22, §23, §24 and §25
 - Non-substantive verbiage changes
- Section §26
 - Majority is minor verbiage changes
 - Significant changes include
 - Extending the hearing date
 - Necessary for due process
 - The current law provides a timeline that is too short to allow adequate investigation to afford sufficient time to gather pertinent information in most complaints
 - This is an injustice to registrants, and
 - Unfortunate for the public.
 - Example,
 - With the required 30-day notice of a hearing,
 - If a FOIA request takes 60 days,
 - There is no time for adequate review and witness interview to meet the current 3-month requirement for a hearing.
 - Better definition of the makeup of the Board’s hearing panel.

- Section §27
 - Clearer definitions of
 - Practice of engineering and surveying
 - Offering to practice engineering or surveying
 - More definitive verbiage on types of businesses that are required to be registered
 - Clearer explanation of documents that need to be signed and sealed by registrants
- Section §28
 - No proposed changes
- Section §29, §30 and §31
 - Non-substantive verbiage changes
- Section §32
 - No proposed changes
- Section §33
 - Non-substantive verbiage changes
- Section §34
 - Legal establishment to recognize "Retired" registrants.

**Testimony Delivered Before the Senate Appropriations Committee
February 9, 2009
Clifford E. Keller, Executive Secretary
North Dakota State Board of Registration for Professional Engineers and Land Surveyors**

Chairman Holmberg and members of the ND Senate Appropriations Committee:

Thank you for this opportunity to appear before you today to offer testimony about SB 2268 and its fiscal implications. If I may, I would request your indulgence to briefly explain the reasons for this bill. A good share of NDCC 43-19.1 – 21 remains unchanged from the inception of the State Board of Registration in 1943. Since then, there have been some occasional changes to one section or another but there has not been a concerted effort to thoroughly review the entire chapter. SB 2268 does that. The bill brings the State Board of Registration in line with other states and also with modern trends in engineering and surveying practice particularly as it deals with issues of interstate registrations for registrants coming to North Dakota to practice and North Dakota registrants traveling to other states to become registered. It also allows the State Board of Registration to carry out its duties in a more efficient and modern manner and in so doing, better serve the citizens of North Dakota.

You will note that there are a number of amendments to SB 2268. This occurred because when the bill was initially drafted by the Legislative Council, there were some substantive changes made that were subsequently discussed with the bill's sponsor, the Legislative Council and the State Board. Some portions of the original draft of that bill were changed. Since the bill had already been assigned a number and enrolled, it was necessary to present the changes as amendments to the bill.

The following is a brief explanation of the changes that SB 2268 proposes.

Section One Deals with definition changes such as a new definition of land surveying, changing engineer (surveyor) in training to engineer (surveyor) intern, provides for a definition of a professional land surveyor, updates the protocol for use of business cards consistent with current day practice.

Sections Two and Three These sections clarify the qualifications for and the process for submission of engineer and surveyor nominees for the subsequent appointment to the State Board of Registration by the Governor.

Section Four This section changes the amount of per diem paid to board members while attending board meetings or while conducting official state board business. The current rate of \$25.00 was set in 1977. The change would increase the present per diem rate to not exceed \$135.00.

Sections Five - Nine The changes in these sections are non-substantive and housekeeping in nature. They allow the State Board of Registration to employ modern methods of information dissemination. A number of the changes were recommended by the Legislative Council.

Sections Ten and Eleven These two sections are housekeeping in nature and contain changes in terminology discussed previously.

Section Twelve This section deals with professional engineer registration. It removes a reference to a certificate of qualification from the national bureau of engineering registration; an organization that no longer exists.

Section Thirteen Clarifies the educational and experience qualifications for professional engineer registration and utilizes new terminology previously mentioned. Also establishes educational and experience requirements for a teacher of engineering.

Section Fourteen Clarifies the educational and experience requirements for engineer interns. Changes "successfully completed" to "graduate" and "curriculum" to "program".

Section Fifteen Clarifies the educational and experience requirements for professional land surveyors.

Section Sixteen Clarifies the educational and experience requirements for surveyor interns.

Section Seventeen This section contains housekeeping language for applications for engineer and surveyor registration.

Section Eighteen This section deals with registration fees which remain unchanged and definitions that have been discussed previously.

Section Nineteen This section would give the State Board of Registration the authority to establish the minimum passing grade on any examination and redefines the manner and circumstances under which examinations may be retaken.

Section Twenty This section deals with certificates of registration as they deal with the changes in definitions discussed earlier.

Section Twenty-one This section contains no substantive changes; it includes the new terminology discussed earlier.

Section Twenty-two This section deals with expirations and renewals and contains no changes with exception of terminology changes discussed earlier.

Section Twenty-three The board may, at its option, charge for a replacement certificate of registration.

Section Twenty-four This section clarifies how the Code of Ethics is made available to all registrants.

Twenty-five This section deals with the State Board's authority for disciplinary actions. The changes are a combination of Legislative Council recommendations and changes in terminology previously discussed.

Section Twenty-six This section deals with how the State Board deals with disciplinary actions. The most significant change is that the State Board would have six months, from the time a complaint is received, to hold a disciplinary hearing; this is an increase from the current three month requirement. In addition, it allows the board members, who did not serve on the investigation panel to deliberate in executive session to render a decision on the hearing.

Section Twenty-seven This section deals with the right to practice. It includes a modernization of what type of advertizing and promotion constitutes practice and what does not. It changes the name of the Certificate of Authorization to the Certificate of Commercial Practice to avoid confusion with the Certificate of Authority issued by the Secretary of State. It also expands the requirement for the Certificate of Commercial Practice to all entities offering engineering and/or surveying services with the exceptions of professional engineers and/or professional land surveyors practicing under their personal name and government agencies. This expansion of coverage for the business certificate also has an economic impact in that more business organizations will be registered which results in an increase of application fees and renewal fees. This is an issue of protection of the health, safety and welfare of the public as it guarantees that when the public does business with a business that holds a current Certificate of Commercial Practice from the State Board of Registration, it is assured that the business employs

registered professional engineers and/or land surveyors as the case may be. The section increases the annual fee cap that can be charged for certificate of commercial practice holders from one hundred to two hundred dollars per year. The section also establishes required disclosure statements on final engineering and surveying work products as well as for interim and construction work products.

Section Twenty-eight This section deals with exemptions. The one exemption that has been changed is that land surveyors who offer their services exclusively for the benefit of their employers are now eligible to apply for an exemption from the continuing professional competency program requirement. This exemption was previously available only to professional engineers.

Section Twenty-nine No change with the exception of terminology changes.

Section Thirty No change with the exception of terminology changes and changes recommended by Legislature Council.

Section Thirty-one No change. This section establishes the basis for the retired registrant status.

Notes on Fiscal Impact Statement

Member Per Diem Increase (Section Four): Amount was determined by reviewing the previous twelve month period and recapping the amount of per diem paid to members over the past twelve months (92) and calculating the expected per diem under the new maximum rate for the bienniums being cited.

Revenues Increase Due to Expansion of Certificate of Commercial Practice Registration (Section 27): After a review of previous certificate registrations, it was determined that the increase in the certificate requirement will result in the registration of approximately 125 new certificate registrants over the 2090 – 2011 and 2011 – 2013 bienniums. The amount also considers the expected amount of renewals related to the new registrations. The amounts consider that all new registrations will continue their registration throughout the four year period even though some of these certificate holders will not renew once their projects have been completed. In this respect, the amount may be overstated.

Conclusion:

As you can see, SB 2268 brings the State Board of Registration into the present century and makes North Dakota more compatible with the laws of other states. This is particularly important in these days of standardized examinations, cross border registrations and new methods of engineering and surveying practice. I would like to again thank you for your patience and I will be happy to answer any questions you or the committee members may have.

Testimony for SB 2268
Kevin Nelson, PE, LSI, Member & Vice Chairman
ND State Board of Registration for Professional Engineers and Land Surveyors

Chairman Keiser and members of the North Dakota House IBL Committee. It is a pleasure to appear before you today to offer testimony on SB 2268. My name is Kevin Nelson, I am a professional engineer and land surveyor intern and currently serve as a member and Vice Chair of the ND State Board of Registration for Professional Engineers and land surveyors. Much of SB 2268 has remained untouched since the inception of the State Board of Registration back in 1943. Parts of it have changed over the years, but there remains a great deal of the State Board's laws and statutes that need to be changed and updated to reflect changes in engineering and surveying that are occurring on nearly a daily basis. Since much of what we are going to talk about is non-substantive in nature, I will confine my remarks to those areas that represent substantive changes to Chapter 43.19 of the North Dakota Century Code but will be open to any questions on any part of the proposed bill.

- Section 1 contains a new definition of land surveying and professional engineering and contains the circumstances under which a professional engineer may advertize his services. It also contains a name change from engineer (surveyor) in training to engineer (surveyor) intern.
- Section 2 contains definition changes for young professionals from "in training" to "intern" and it adds a definition for "professional land surveyor".
- Section 3 contains clarifying language and eliminates some terminology adopted in 1943.
- Section 4 changes the daily board member per diem from \$25.00 to an amount to not exceed \$135.00. This does not include a request to raise license fees. It brings the per diem amount in line with other boards and commissions.
- Section 5, 6, 7, 8, 9, 10 and 11 eliminate outdated language and use some of the new terms introduced in the definitions portion of the bill and make use of modern methods of information dissemination such as placing rosters on the internet.
- Section 12 eliminates several methods of registration that are no longer valid as the qualifying organizations such as the National Bureau of Engineering Registration and also there is no "national" registration for engineers or surveyors.

- Section 13 establishes the educational qualifications for a teacher of engineering which is one of the registration methods available for engineer registration.
- Section 14 clarifies a four year or more engineering degree to be a baccalaureate degree.
- Section 15 again clarifies a four year or more surveying degree to be a baccalaureate degree.
- Section 16 contains non-substantive word changes and includes the new terms mentioned in the definitions portion of the bill.
- Sections 17 & 18 utilize new definitions.
- Section 19 deals with examinations. It provides for elimination of specified percentages for test scores.

Scores are based on Psychometric measures, not raw percentages as in the past

Raw percentages hinder licensure and could result in a qualified individual not getting licensed.

This brings our examination passing requirements in line with surrounding states.

- Section 20 incorporates the new definitions.
- Section 21 deals with seals and sealing language. Under the new language, engineers and surveyors will be able to indicate on their work product when the work product is "final" or is "preliminary"
- Section 22, 23, 24 and 25 are non-substantive word changes.
- Section 26 contains for the most part, minor word changes, however there are some important changes. The hearing date is being extended. At the present time if a complaint is filed with the Board, it must be dismissed or go to hearing within 90 days if no waiver of time is received. The change would give the Board six months to hold the hearing. This gives better due process to the person

against whom the complaint is brought. (it would give them more time to develop their case). This section also defines the Board's hearing panel.

- Section 27 gives cleaner definitions of the practice of engineering and surveying and the offering to practice engineering and surveying. It also provides for expanded registration for engineering and surveying companies practicing in North Dakota. Their registration requires that they have registered engineers and/or surveyors in their employ. Also changes the fee caps for this category from one hundred dollars annually to two hundred dollars annually.
- Section 28 extends the continuing professional competency (professional education) exemption to surveyors who provide their surveying services for the exclusive use of their employers. Engineers presently have this exemption.
- Sections 29, 30 and 31 have no substantive changes.
- Section 32 is necessary to recognize "retired" registrants.

As you can see, much of SB 2268 contains minor word changes in an attempt to update the language of NDCC 43-19. Thank you for your attention, are there any questions?

SB2268

Testimony offered by Kevin G. Nelson, P.E., L.S.I
Member-North Dakota State Board of Registration for
Professional Engineers and Land Surveyors
March 9, 2009

We understand that an amendment to this bill may be offered today. The amendment proposes to waive the Fundamentals of Engineering examination for registrants with 12 years of engineering experience. The State Board opposes this amendment.

- For licensure, an individual must have an acceptable education, pass the Fundamentals of Engineering exam, obtain 4-12 years experience depending on the degree, and pass the Principles and Practice of Engineering exam.
 - Licensure is a 3 legged stool: Education, Examination, Experience
 - Without any one of these legs, the stool will fall
- The Fundamentals exam is an integral part of the licensure process
 - Tests basic knowledge and technical skills obtained through the education process
 - The Principles and Practice exam is focused on practice of engineering. This exam is a melding of technical knowledge with practical experience
 - Different knowledge bases are tested on each examination
 - This licensure model is ANSI accredited
- ND Board is a member of NCEES-coalition of state licensure boards for engineers and surveyors
 - This amendment is contrary to NCEES Model Law
 - Council voted to increase education requirements (B+30) at its annual meeting in 2006 for implementation in 2020
 - National trend is to increase licensure standards not decrease
- No other licensed profession in North Dakota has a waiver provision for examination requirements when endorsing a licensee from a jurisdiction that has lower qualifying standards.
 - Other licensure boards require that an applicant through comity must have been licensed in a state that has requirements equal to or greater than North Dakota's
 - Accountants, architects, nurses, physicians, psychologists, attorneys, dentists, etc
- These standards were put in place to insure that only qualified individuals receive a professional engineering license
 - This is a public safety issue

- Long term practice doesn't mean that the individual has been properly trained and has the proper credentials
 - If the FE exam is waived, there is no longer a mechanism to determine if the training and credentials meet the minimum competency standard for practice in North Dakota
- 28 Jurisdictions have provisions to waive the Fundamentals of Engineering Examination (FE)
 - **ONLY 8** jurisdictions allow waiver of the FE with a Related Science Degree or no education at all
 - The remaining 20 jurisdictions that will waive the FE all require at least a 4-year degree in Engineering. Nine of these twenty require ABET accredited degrees. Three of these nine will only waive the FE for PhD's of Engineering
 - Of the 8 jurisdictions that will waive the FE, Wisconsin and Rhode Island currently have the lowest experience and education requirement of any jurisdiction that will waive the FE
 - If North Dakota waives the FE exam for applicants holding a Related Science Degree and only 12 years of experience, North Dakota, along with Wisconsin and Rhode Island, will have the lowest licensure standards in the United States

Senate Bill SB2268

Testimony of Randi L. Julson

Good Afternoon Mr. Chairperson and Distinguished Committee Members.

My name is Randi Julson, and I live on a small farm north of Zap, North Dakota. I was raised in Willow City, North Dakota. I come before you today in reference to the current license requirements for professional engineers in the state of North Dakota. I am requesting revisions to the North Dakota Century Code that pertain to the waiving of the fundamentals of engineering examination requirements.

I am currently employed with Basin Electric's subsidiary Dakota Gasification of Beulah. Before returning to North Dakota I was employed with Marathon Petroleum where I have worked in the engineering field for many years as well. With the best interest of North Dakota at heart and as an experienced engineer I would like to briefly present my reasoning for this request.

There is a traditional career path for the young adult who has a profession in engineering in mind as they graduate from high school. They attend college for four or five years and obtain a Bachelor of Science degree in a given engineering field. During their last year of college, or shortly thereafter, they will sit for the fundamentals of engineering exam. They will then work in their field for four years and apply to sit for the principles and practices of engineering exam. There are different principles and practices of engineering exams, depending upon your field of expertise. The examinations for a given discipline are nationally standardized, and they are all given on the same day. The examination that I sat for was in the field of control systems.

I began working in the field of instrumentation in 1983 as a technician. After two years of plant start-up experience, I was invited to join our plant's instrumentation and control system engineering department on temporary assignment for three months. I loved it, and the assignment became permanent.

Currently, there are four or five states where a person may be allowed to sit for the principles and practices of engineering examinations that waive both the educational requirements and the fundamentals of engineering examination requirements. This includes Wisconsin, from where my Professional Engineering credential was issued. Documentation is submitted as sufficient proof as to why a person should be allowed to sit for the principles and practices of engineering exam. As far as I know, there are no documented cases where the public was put at risk as the result of an error made by a licensed professional engineer who was allowed to sit for the principles and practices of

engineering exam through educational and fundamentals of engineering examination waivers. And really, that is the purpose of licensing, to protect the public.

There has been a lot of media attention in the past couple of years pertaining to the inadequate number of people available to fill current job vacancies in our great state. Some of you have probably even participated in meetings about this problem. I'm sure that some of these positions are for experienced engineers with professional engineer credentials. This amendment may not eliminate our shortage of an experience work force, but it will open some doors that would otherwise remain closed.

I have worked with a number of degreed engineers who have gone the traditional path, and I have the utmost respect for them and what they have accomplished. I have also worked with many people whom do not have the title of engineer or professional engineer, yet one would not be able to tell the difference between them and the traditional engineer by examining the quality of their work. One should have the opportunity to have the educational and fundamentals of engineering exam requirements waived with adequate documentation for years of experience worked and to be allowed to sit for the principles and practices of engineering examination.

My most recent accomplishment is that I sat for, and passed an examination, and have received certification as a Functional Safety Engineer as it pertains to IEC standards 61508 and 61511. These standards relate to safety instrumented systems for the process industry sector, for example chemical plants and oil refineries. I am one of less than 2,000 people worldwide to do this, yet I do not meet the minimum requirements to sit for the principles and practices of engineering exam in the state of North Dakota, nor would I be granted registration on the basis of comparable qualifications from another state. Once again, the reason for licensing is to protect the public. This not only includes you, but it also includes the workers at these types of facilities.

As I mentioned in my opening, I was born in North Dakota. I believe this is one way I can help people return home as I did, and at the same time help fill the much needed vacancies for engineering positions in North Dakota.

Thank you,

Randi L. Julson



NATIONAL COUNCIL OF EXAMINERS FOR ENGINEERING AND SURVEYING®

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To Whom It May Concern:

The attached information provides background about engineering licensure and the purpose of the Fundamentals of Engineering examinations in the licensure process. The U.S. licensure system is based on education, examinations, and experience. All of these are integral to the core mission of the National Council of Examiners for Engineering and Surveying and its member boards: to protect the health, safety, and welfare of the public. The NCEES member boards developed and agreed upon the current U.S. licensure system to facilitate comity among the states.

Sincerely,

Jerry T. Carter
Executive Director

Licensure and the National Council of Examiners for Engineering and Surveying

NCEES is a national nonprofit organization composed of 69 engineering and surveying licensing boards representing all U.S. states, territories, and the District of Columbia. NCEES develops, scores, and administers the examinations used for engineering and surveying licensure throughout the United States. Engineers achieving licensure are allowed to use P.E. (Professional Engineer) after their name as a professional designation.

NCEES Member Boards regulate the engineering and surveying professions by setting high standards for professional engineers and surveyors. NCEES provides leadership in these standards through its *Model Law*, *Model Rules*, and *Manual of Policy and Position Statements*. By law, jurisdictions require those engineers that offer their services to the public, civil engineers, and all surveyors to be licensed in order to practice. These requirements and high standards help protect the public health, safety, and welfare. Licensure demonstrates that an engineer or surveyor has accomplished a recognized standard, sets them apart from others in their profession, provides career options and opportunities that might not have been available otherwise, and serves as a protection of public health, safety, and welfare.

Purpose of the NCEES Fundamentals of Engineering Examination

The Fundamentals of Engineering (FE) and the Principles and Practice of Engineering (PE) examinations are the primary licensing examinations for engineers. The FE exam is used as the first step in professional licensing for engineers and was developed to measure "minimum technical competence." Almost 50,000 individuals per year take this exam, with most being recent college graduates or seniors within one year of graduation.

The FE exam was developed to evaluate fundamental knowledge of mathematics, applied science, and engineering principles. The examination content specifications were developed from a survey of accredited engineering programs. Actual examinations using those specifications are prepared by a group of volunteers consisting of both engineering educators and practitioners.

At its 2000 Annual Meeting, the Council voted to adopt the following FE purpose statement, which was presented by a special FE exam task force: "The purpose of the FE examination is to assist state boards in determining if a candidate possesses the minimum competency needed to enter into an engineering internship that can lead to licensure. In addition, portions of the FE examination data may be used in the assessment of engineering education program outcomes."

The Principles and Practice of Engineering exam is administered to engineer interns. It is designed to be practice-oriented, testing knowledge gained throughout the candidate's work experience. The PE exam is offered in 16 disciplines.

Other relevant examination-related position statements and language from the NCEES *Model Law* and *Model Rules* follow.

Exam Development Policy (EDP) 2 Examination Quality Standards

The goal of the NCEES examinations program shall be for the development, use, and scoring of examinations prepared by, or under control of, NCEES to comply with the current edition of *Standards for Educational and Psychological Testing*—as published jointly by the American Educational Research Association, the American Psychological Association, and the National Council on Measurement in Education—or other nationally accepted standards.

EDP 3 Engineering and Surveying Examinations

- A. The Principles and Practice of Engineering are 8-hour examinations, shall be offered only in the following disciplines, and shall be considered an open-book examination as defined in EAP 4:

1. GROUP I

- a. Chemical
- b. Civil
- c. Electrical and Computer
- d. Environmental
- e. Mechanical
- f. Structural I
- g. Structural II

2. GROUP II

- a. Agricultural
- b. Architectural
- c. Control Systems
- d. Fire Protection
- e. Industrial
- f. Metallurgical/Materials
- g. Mining/Mineral
- h. Nuclear
- i. Petroleum
- j. Naval Architecture/Marine

A combined examination which allows an examinee to select problems in more than one discipline shall not be permitted.

- B. The Fundamentals of Engineering is an 8-hour examination and shall be considered a closed-book examination as defined in EAP 4.

Professional Policy (PP) 3 Uniform Qualifications for Licensure

NCEES promotes uniform standards for licensure based on education, experience, and examination.

NCEES promotes the assessment of qualifications of each applicant for licensure according to uniform standards as provided by NCEES examinations and by NCEES guidelines for evaluating education and experience.

Position Statement (PS) 8 Bachelor of Science Degree in Engineering

NCEES recommends that the boards of licensure require any applicant who applies for engineering licensure in any jurisdiction of the United States and who has not previously been licensed to practice by one of the boards of licensure be required first to demonstrate that he or she possesses at least a four-year bachelor of science degree in engineering, acquired through the successful completion of an EAC/ABET-accredited program or through a board-approved equivalent program.

Recognizing that newly EAC/ABET-accredited programs must spend several years in development before attaining accredited status, NCEES recommends that all applicants be considered as having graduated from an EAC/ABET-accredited program if their program is/was accredited within three years after their graduation.

PS 14 NCEES-Recommended Education/Experience Guidelines for P.E. Licensing

4-YEAR DEGREE	YEARS OF EXPERIENCE REQUIRED	COMMENTS
EAC/ABET	4	NCEES PS 8
Foreign "Substantially Equivalent" Program	4	Considered equivalent to EAC/ABET program
Washington Accord Canada (CEAB) Other Countries	4 4	Recommend EAC/ABET equivalent
(All below are considered interim procedures until Member Boards attain Model Law and NCEES PS 8 goals, i.e., minimum of EAC/ABET or equivalent degree.)		
Unaccredited Engineering Program	6	Needed by some boards
TAC/ABET	8	Needed by some boards
Related Science	10	Needed by some boards
No Degree	20	Needed by some boards

PS 21 Education

The primary role of NCEES is to facilitate professional licensure of engineers and surveyors and uphold standards necessary to protect the public health, safety, and welfare. The Council strongly advocates quality education for engineers and surveyors and supports efforts to develop educational standards required for licensure and to expeditiously disseminate those standards to its Member Boards.

The educational objectives of NCEES
are to:

- A. Advocate quality education that adequately prepares candidates for licensed professional practice. Licensed professional practice includes, but is not limited to, all

aspects of engineering and surveying regulated by state and territorial licensing boards or regulated by government agencies.

- B. Recognize institutional indicators of quality education, which may include the following:
 - 1. Program educational objectives and outcomes that include a focus on preparing students for licensed professional practice as described in paragraph A above
 - 2. Program educational objectives and outcomes that are assessed in part by nationally validated content examinations
 - 3. Curriculum requirements that equate to the standards for licensure eligibility
- C. Establish program indicators of quality education for licensure eligibility, which include the following:
 - 1. Nationally validated assessment methods
 - 2. Program educational objectives that specifically direct the educational standards toward licensed professional practice
 - 3. Compliance with prescribed pass rates on nationally validated content examinations
- D. Assist Member Boards in evaluating the indicators and metrics as established for licensure eligibility.

PS 27 Education in Breadth of Practice

Graduates of EAC/ABET-accredited engineering programs should be knowledgeable in and able to demonstrate an awareness of the breadth and diversity of engineering practice, which includes licensed practice before the public and in industrial, governmental, and educational settings. Engineering in each of these settings involves direct or indirect responsibility for the health, safety, and welfare of the public and is subject to a common set of ethical expectations and codes of conduct. An engineer's career is likely to include practice in some or all of these areas, and this diversity of potential practice should therefore be reflected in an engineer's education.

Model Law 110.20 Definitions

A. Engineer

- 1. Engineer – The term “Engineer,” within the intent of this Act, shall mean a person who is qualified to practice engineering by reason of special knowledge and use of the mathematical, physical, and engineering sciences and the principles and methods of engineering analysis and design, acquired by engineering education and engineering experience.
- 2. Professional Engineer – The term “Professional Engineer,” as used in this Act, shall mean a person who has been duly licensed as a professional engineer by the board. The board may designate a professional engineer, on the basis of education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence.
- 4. Engineer Intern – The term “Engineer Intern,” as used in this Act, shall mean an individual who has been duly certified as an engineer intern by the board.

Model Law 130.10 General Requirements for Licensure

Education, experience, and examinations (as described in *Model Rules*) are required for licensure as a professional engineer or professional surveyor.

- A. As an Engineer Intern – The following shall be considered as minimum evidence that the applicant is qualified for certification as an engineer intern. A college senior or graduate of an engineering program of 4 years or more accredited by EAC/ABET, or the equivalent, shall be admitted to an 8-hour written examination in the fundamentals of engineering. Upon passing such examination and providing proof of graduation, the applicant shall be certified or enrolled as an engineer intern, if otherwise qualified.
- C. Professional Engineer or Professional Surveyor – To be eligible for admission to the examination for professional engineers or professional surveyors, an applicant must be of good character and reputation and shall submit five references acceptable to the board with his or her application for licensure, three of which references shall be professional engineers or professional surveyors having personal knowledge of the applicant's engineering or surveying experience.
 - 1. As a Professional Engineer – The following shall be considered as minimum evidence satisfactory to the board that the applicant is qualified for licensure as a professional engineer.
 - a. Licensure by Comity –
 - (1) An individual holding a certificate of licensure to engage in the practice of engineering issued by a proper authority of any jurisdiction or any foreign country, based on requirements that do not conflict with the provisions of this Act and possessing credentials that are, in the judgment of the board, of a standard not lower than that specified in the applicable licensure act in effect in this jurisdiction at the time such certificate was issued may, upon application, which may include a Council Record with the National Council of Examiners for Engineering and Surveying, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction; or
 - (2) An individual holding an active Council Record with the National Council of Examiners for Engineering and Surveying, whose qualifications as evidenced by the Council Record meet the requirements of this Act, may, upon application, be licensed without further examination except as required to examine the applicant's knowledge of statutes, rules, and other requirements unique to this jurisdiction.
 - b. Licensure by Examination – The following individuals shall be admitted to an 8-hour written examination in the principles and practice of engineering and, upon passing such examination and providing proof of graduation, shall be licensed as a professional engineer, if otherwise qualified:
 - (1) An engineer intern with a bachelor's degree in engineering and with a specific record of 4 years or more of progressive experience on engineering projects of a

grade and a character which indicate to the board that the applicant may be competent to practice engineering.

- (2) An engineer intern with a master's degree in engineering from an institution that offers EAC/ABET-accredited programs, or the equivalent, and with a specific record of 3 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.
- (3) An engineer intern with a doctorate in engineering acceptable to the board and with a specific record of 2 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.
- (4) An individual with a doctorate in engineering acceptable to the board and with a specific record of 4 years or more of progressive experience on engineering projects of a grade and a character which indicate to the board that the applicant may be competent to practice engineering.

Model Law 130.30 Examinations

- B. Written examinations will be given in two sections and may be taken only after the applicant has met the other minimum requirements as given in Sections 130.10 and 130.20 of this Act and has been approved by the board for admission to the examinations as follows:
1. Fundamentals of Engineering – The examination consists of an 8-hour test period on the fundamentals of engineering. Passing this examination qualifies the examinee for an engineer intern certification, provided the examinee has met all other requirements for certification required by this Act.
 2. Principles and Practice of Engineering – The examination consists of an 8-hour test period on applied engineering. Passing this examination qualifies the examinee for licensure as a professional engineer, provided the examinee has met the other requirements for licensure required by this Act.

Model Rules 210.20 Definitions

- B. The following definitions are included in *Model Rules* only:
1. Model Law Engineer – The term "Model Law Engineer" refers to a person who has obtained licensure in at least one jurisdiction as the result of satisfying the following conditions:
 - a. Is a graduate of an engineering program accredited by the Engineering Accreditation Commission of ABET, Inc. (EAC/ABET)
 - b. Passes the 8-hour NCEES Fundamentals of Engineering (FE) exam and an 8-hour NCEES Principles and Practice of Engineering (PE) exam using the NCEES cut score
 - c. Completes 4 years of acceptable engineering experience after confirmation of a bachelor of science degree in an engineering program, which may include up to 1 year of experience for a graduate engineering degree

- d. Has a record clear of disciplinary action

To maintain Model Law Engineer status, the individual must maintain a record clear of disciplinary action pursuant to *Model Law*, Section 150.10.

Model Rules 230.40 Examinations

A. Classification of Engineering Examinations

This jurisdiction will provide the following written examinations, prepared and furnished by the National Council of Examiners for Engineering and Surveying, meeting the requirements of this jurisdiction for licensure as an engineer:

Model Rules 230.50 Classifications and Disciplines of Engineering and Surveying

A. Classification of Engineering Licensure

Engineering applicants shall be licensed under one of the classifications as prescribed by the laws of this jurisdiction:

1. Engineer intern – by graduation and examination
2. Professional engineer – by graduation, experience, examination, or by comity
3. Discipline engineer – by verification of discipline competence

B. Eligibility of Applicant for an Engineering Examination

1. Applicants for licensure as a professional engineer will be permitted to sit for the PE examination upon satisfactorily fulfilling all application requirements of this jurisdiction.
2. No applicant may sit for the 8-hour Fundamentals of Engineering (FE) examination or the 8-hour Principles and Practice of Engineering (PE) examination until the board has established that the applicant is eligible for the examinations.
3. An applicant for certification as an engineer intern becomes eligible to sit for the FE examination during the senior year of enrollment in an engineering program leading to a baccalaureate degree in engineering and approved by the board. The enrollment of the applicant must be verified by the school being attended by the applicant.

230.60 Applications

A. Kinds of Applications

Licensure as a professional engineer or professional surveyor requires that an applicant present his/her qualifications on forms prescribed by this board.

1. Applications for licensure as a professional engineer or professional surveyor are accepted from those who believe that they are qualified by education and experience, according to laws of this jurisdiction, to be licensed as a professional engineer or a professional surveyor.
2. Applications for certification as an engineer intern or a surveyor intern are accepted from those who believe that they have the necessary qualifications for licensure according to the

laws of this jurisdiction, as a professional engineer or a professional surveyor except for that of experience.

3. Those who are senior students in at least a 4-year program leading to a baccalaureate degree in an engineering school may apply for licensure as an engineer intern and to take the fundamentals examinations during the senior year.