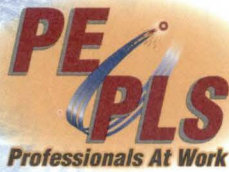


DEC 05 2013



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

December 4, 2013

John Walstad  
North Dakota Legislative Council  
State Capitol Building  
Bismarck, ND 58505

Dear Mr. Walstad,

The North Dakota State Board of Registration for Professional Engineers and Land Surveyors is proposing to amend North Dakota Administrative Code sections 28-02.1-02-01, 28-02.1-04-01, 28-02.1-06-02, 28-02.1-08-02, 28-02.1-08-03. A hearing on the proposed amendments is set for 1:30 p.m., January 2, 2014 at the offices of the Board at 723 Memorial Highway, Bismarck, North Dakota.

The Full Notice of Intent to Amend Administrative Rule as well as the proposed changes to the N.D.A.C. is attached. The short notice has already been published but a copy of the notice is also attached.

I thank you for your time when I called earlier this month. Our attorney and the Attorney General's office were able to work together to resolve the notification issue.

If you need any additional information or documentation, please let me know.

Best Regards,

A handwritten signature in black ink that reads 'Candie Robinson'.

Candie Robinson  
Executive Director

Attachments

STATE OF NORTH DAKOTA

NORTH DAKOTA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES

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TAKE NOTICE that the North Dakota State Board of Registration for Professional Engineers and Land Surveyors (the "Board") will hold a public hearing to address amendments to existing sections 28-02.1-02-01, 28-02.1-04-01, 28-02.1-06-02, 28-02.1-08-02, 28-02.1-08-03, to Title 28, N.D.A.C., at 1:30 p.m., on January 2, 2014, at the offices of the Board at 723 Memorial Highway, Bismarck, North Dakota. The proposed amendments or adoptions are as follows:

AMENDMENTS TO N.D.A.C. Section 28-02.1-02-01

The proposed amendment to N.D.A.C. Section 28-02.1-02-01 will eliminate the need for persons taking the fundamentals examinations, required to become either an engineer intern or a land surveyor intern, to first submit, and have approved, an application to the Board.

The purpose of the proposed rule is to allow students who want to take the fundamentals examination before deciding the state as to which they want to submit an application to do so. This change is part of the change in national testing by which applicants will take tests at testing centers that have a limited number of spots, resulting in the need for increased testing dates which are no longer compatible with applications and a few fundamental examinations a year.

AMENDMENTS TO N.D.A.C. Section 28-02.1-04-01

The proposed amendment to N.D.A.C. Section 28-02.1-04-01 eliminates the need for deans of a college to provide a certification for student applicants.

The purpose for this amendment is that proposed changes to N.D.A.C. Section 28-02.1-01-01 eliminate the need for student applications. The need to eliminate certifications from deans of colleges is brought about by this change.

AMENDMENTS TO N.D.A.C. Section 28-02.1-06-02

The proposed amendment to N.D.A.C. Section 28-02.1-06-02 eliminates the need for land surveyor experience to be obtained subsequent to graduation.

The purpose is that it is common for land surveyor experience to be obtained prior to graduation and the Board believes such experience should be counted towards the land surveyor experience requirements.

AMENDMENTS TO N.D.A.C. Section 28-02.1-08-02

The proposed amendment to N.D.A.C. Section 28-02.1-08-02 will eliminate any reference to transmittal of documents with an electronic seal in an editable digital format. It will, instead allow the use of electronic seals with a digital signature. A digital signature is carefully defined in a manner that will insure the credibility and verification of the signature. The signature requires an electronic authentication process in a secure mode that is attached to or logically associated with the electronic document to which it applies. It requires verification ability by the recipient and control by the sender. The remaining amendments are amendments relating to the placing of the signature made necessary by the use of a digital signature.

The purpose of the amendment is to, first, remove any reference to the term "editable digital format" since the Board is not sure such a format exists in reality. The amendment then adds a process to allow electronic transmission of electronically sealed and digitally signed documents in such a way as to maintain the integrity of the document so that the receiver can be assured the intellectual work is original work. The amendment recognizes that the use of electronic transmissions and paperless offices continues to increase, and

this amendment will facilitate those registrants and companies that are following this trend.

AMENDMENTS TO N.D.A.C. Section 28-02.1-08-03

The proposed amendment to N.D.A.C. Section 28-02.1-08-03 will allow electronic transmission, and electronic storage, of documents that contain an electronic seal and digital signature, but it will also allow the electronic storage of documents that cannot be resealed with an electronic signature and resigned with a digital signature because the registrant who prepared the documents is not longer available. The proposed amendment will allow electronic transmission of destroyed documents by a registrant through the use of a statement that is electronically sealed and digitally signed to the effect that the original has been destroyed and is no longer available.


The purpose for the proposed rule is that an increasing number of registrants, or their clients, want to electronically store design documents for space reasons. Currently, if they electronically store the documents, they still must retain the original if they ever want to electronically transmit or use the document again. This frustrates the desire to decrease storage space. The proposed procedure will allow, where possible, existing documents to be resealed electronically and signed digitally; but it will also allow documents to be destroyed when electronically stored, but a future recipient will be aware the original does not exist which should increase the caution used by persons viewing such electronically stored documents.

The proposed rule amendments in the aggregate, or individually, are not expected to have an impact on the regulated community in excess of \$50,000, and the Board is an occupational or professional licensing agency. Accordingly, no regulatory analysis is required. None of the proposed rule amendments will result in the limitation of the use of private real property and therefore no takings assessment is required.

The proposed rules may be reviewed at the office of the North Dakota State Board of Registration for Professional Engineers and Land Surveyors at 723 Memorial Hwy., Bismarck, North Dakota, or by calling 701-258-0786 and requesting a copy of the proposed amended rule. Written data, views or arguments on the proposed rules may be sent to P.O. Box 1357, Bismarck, North Dakota, 58504. The deadline for submission of written comments concerning the proposed rules is January 13, 2014.

If you plan to attend the public hearing and you will need special facilities or assistance related to a disability, please contact the North Dakota State Board of Professional Engineers and Land Surveyors at the above telephone number at least five days prior to the hearing.

DATED: December 4, 2013

  
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Candie Robinson,  
Executive Director



# Affidavit of Publication

Colleen Park, being duly sworn, states as follows:

1. I am the designated agent, under the provisions and for the purposes of, Section 31-04-06, NDCC, for the newspapers listed on the attached exhibits.

2. The newspapers listed on the exhibits published the advertisement of: **ND Board of Registration for Professional Engineers & Land Surveyors Administrative Rules; 1** time(s) as required by law or ordinance.

3. All of the listed newspapers are legal newspapers in the State of North Dakota and, under the provisions of Section 46-05-01, NDCC, are qualified to publish any public notice or any matter required by law or ordinance to be printed or published in a newspaper in North Dakota.

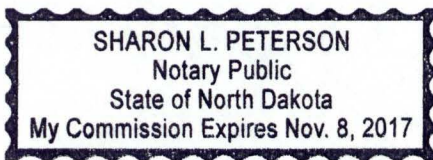
Signed: Colleen Park

State of North Dakota

County of Burleigh

Subscribed and sworn to before me this 1 day of Oct., 20 13.

Sharon L. Peterson



STATE OF NORTH DAKOTA  
NORTH DAKOTA STATE BOARD OF REGISTRATION FOR  
PROFESSIONAL ENGINEERS AND LAND SURVEYORS

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NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES DEALING WITH USE OF ELECTRONIC AND SEALS AND DIGITAL SIGNATURES; TRANSMITTAL OF ELECTRONIC DOCUMENTS; ELIMINATION OF APPLICATIONS FOR INTERNS BEFORE EXAMINATIONS, AND COLLEGE CERTIFICATIONS RELATED THERETO; AND ELIMINATION OF NEED FOR LAND SURVEYOR INTERNS TO COMPLETE ALL EXPERIENCE AFTER GRADUATION;

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TAKE NOTICE that the North Dakota State Board of Registration for Professional Engineers and Land Surveyors will hold a public hearing to address the above changes to the North Dakota Administrative Code at 1:00 p.m., on October 23, 2013, in the Governor's Room of the Ramkota Hotel, 800 S. 3<sup>rd</sup> Street, Bismarck, North Dakota.

A copy of the proposed rule may be obtained by writing to the North Dakota State Board of Registration for Professional Engineers and Land Surveyors at P.O. Box 1357, Bismarck, North Dakota, 58504, or by calling 701-258-0786. Written or oral data, views or arguments on the proposed rules sent to P.O. Box 1357, Bismarck, North Dakota, or called into the above phone number on or before November 4, 2013 will be fully considered.

Dated this 9<sup>th</sup> day of September, 2013.

  
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Candie Robinson  
Executive Director

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