



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

July 28, 2010

John Walstad
ND Legislative Council
State Capital Building
Bismarck, ND 58505

Dear Mr. Walstad:

When the rules promulgation for SB2268 was completed, the ND Attorney General approved all of the proposed rules with the exception of NDAC 28-02.1-10 dealing with "Fees". The ND State Board of Registration for PE/LS has set a hearing date to receive testimony to amend NDAC 28-02.1-10. Attached are copies of the following for your consideration:

- Notice of Intent to Amend Administrative Rules Dealing with Examinations and Fees (Short Notice)
- Full Notice of Intent to Amend Administrative Rules
- Copy of the marked up NDAC 28-02.1-10-02 Fees for your review.

The information has been sent to the ND Newspaper Association for publishing of the hearing notice. The hearing has been set for September 14, 2010 with the comment period to extend through September 27, 2010.

This information has been furnished to the four sponsors of SB2268 (Senator George Nodland, Senator Terry Wanzek, Representative Nancy Johnson and Representative James Kasper).

If you have any questions, do not hesitate to contact me. Best wishes for a prosperous New Year..

Yours truly,

A handwritten signature in black ink, appearing to read 'Clifford E. Keller', is written over the typed name.

Clifford E. Keller
Executive Secretary

Attachments

STATE OF NORTH DAKOTA

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

NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES DEALING WITH
EXAMINATIONS AND FEES;

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 September 14, 2010, at its offices at 723 Memorial Highway, 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 September 27, 2010 will be fully considered.

Dated this 26th day of July, 2010



Clifford E. Keller
Executive Secretary

STATE OF NORTH DAKOTA

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

FULL NOTICE OF INTENT TO AMEND ADMINISTRATIVE RULES

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 section 28-02.1-10-02 to Title 28, N.D.A.C., at 1:00 p.m., on September 14, 2010, in the Board's office at 723 Memorial Highway, Bismarck, North Dakota. The proposed amendments or adoptions are as follows:

AMENDMENTS TO N.D.A.C. CHAPTER 28-02.1-10

The proposed amendments to N.D.A.C. Section 28-02.1-10-02 change the two-year period renewal fees for a Professional Engineer or Professional Land Surveyor from a maximum of \$50 to \$150; recognize that fees for partnerships or corporations are part of the fee for a certificate of commercial practice, establishing a one-year fee for a certificate of commercial practice at \$100; and change the fee for a temporary permit from \$50 to \$200. The amendments also allow persons renewing a two-year period registration to receive a discount if they make their renewal prior to December 31 of the year of renewal.

The purpose of the proposed rule is to implement an opinion received by the Board from the North Dakota Attorney General to the effect that fees must be specified by rule, and that fees may only be changed if they are specifically stated in a properly adopted administrative rule under the Administrative Agencies Practice Act. The existing rule only set caps. With regard to registration fees the amendment will also make initial registration fees the same as renewal fees for Professional Engineers or Professional Land Surveyors renewing before December 31 of the year of renewal. The distinction between

renewal before and after December 31 of the year of renewal is to encourage timely renewals.

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 September 27, 2010.

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: July 26, 2010



Clifford E. Keller,
Executive Secretary