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10/2/03

2003 HOUSE INDUSTRY, BUSINESS AND LABOR

HB 1204

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Deanna G. [Signature]  
Operator's Signature

10/2/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1204

House Industry Business and Labor Committee

☐ Conference Committee

Hearing Date 1-22-03

Tape Number	Side A	Side B	Meter #
1	x		31.6-end
1		x	0-end
2	x		0-16.5
Committee Clerk Signature <i>Judith Hammer</i>			

Minutes: Chairman Kaiser: opened the hearing on HB 1204. All committee members were present.

Mary Ekstrom, District 11 in Fargo: appeared in support of HB 1204 (SEE ATTACHED TESTIMONY).

Representative Klein: have you met with existing boards to see if it would fit in with their system?

Mary Ekstrom: I haven't had chance to analyze that.

Jim Hanson, Landscape Architect, Fargo: appeared in support of HB 1204. (SEE ATTACHED TESTIMONY)

Representative Klein what states are you currently licensed in and what are you fees?

Jim Hanson: California, Minnesota, South Dakota, and the fees varies from 100 dollars to 150 dollars.

Representative Ruby: How often do projects in ND require license fees?

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*Donna Hall*  
Operator's Signature

1/22/03  
Date

Page 2

House Industry Business and Labor Committee

Bill/Resolution Number HB 1204

Hearing Date 1-22-03

Jim Hanson: I would say several times a year, several projects require it.

Dennis Colliton, FASLA: appeared in favor of HB 1204 and provided written testimony. SEE ATTACHED TESTIMONY)

Representative Klein: what does your title FASLA stand for?

Dennis Colliton: Fellow American Social Land Architects. And we have 123 students enrolled in the five year curriculum.

Greg Hammond, New Rockford, District 23 : appeared in support of the bill. I've grown to love ND and would hate to have to leave ND to do the job that I have, to become licensed.

Aaron Olson, 4th year student landscape architect NDSU: appeared in support of this bill. I have experienced first hand some real life practice of landscaping. The feed back was so positive and encouraging that it was a benefit to be a part of the design team. Unfortunately I'll be graduating next year, opportunities won't exist for landscape architecture on the jobs in the state of ND so I will have to leave ,as I've watched over the past 3 years a lot of graduates with a lot of talent leave to continue their development of their degree.

Representative Eckstrom: are you originally from ND.?

Aaron Olson: No, I'm from central Minnesota.

Joshua Walter, Associate Professor NDSU, teacher : appeared in support of HB 1204, I'm also a transplant from Maine I've been here for 10 years, and I'm staying here to see if we can make a difference. The state should be interested in seeing that the people want to stay here. One of the things that I do want to bring up is trying to keep rural communities alive that in other states are fast disappearing. Those landscape architects can contribute in trying to keep those communities alive.



Page 3  
House Industry Business and Labor Committee  
Bill/Resolution Number HB 1204  
Hearing Date 1-22-03

**Jim Wen:** appeared in support of HB 1204 and urged a do pass for the reasons to try to keep the students in the state, without license we are saying to those students is, we are glad you went to school here but good-bye. And I would strongly refuse to pass on this bill.

**Cynthia Sondreal,** a current NDSU student offered oral testimony in support of HB 1204.

**Paul Gleye,** Chair of the NDSU Landscape Architect program, spoke in strong support of HB 1204.

**Bonnie Larson Staiger, Executive Director of AIA North Dakota:** appeared in opposition of HB 1204. (SEE ATTACHED TESTIMONY).

**Todd Kranda, Attorney, Kelsch Law Firm:** appeared in opposition of HB 1204. (SEE ATTACHED TESTIMONY).

**Bill Schoen, Architect, Grand Forks:** I 'm a graduate of NDSU, I have a architectural practice in Grand Forks and I'm in opposition of HB 1204. I think there are problems with the bill the way it is written. The 100 dollar fee that is proposed in the bill amounts to 2,000 to 7,000 dollars worth of revenue, based on how many would seek. The expenses is another story where as the president of the board, I have a real problem, in order to meet the expenses you might have to have a 50% increase in funds. With registration comes regulation.

**Rep. Klein:** Don't you think that in time wouldn't the financial situation balance out? Couldn't you assess the landscape architects for some of the fees?

**Bill Schoen:** Some of these expenses will be there every year. Regarding your earlier question about combined boards, there are many across the country. Each have their own statutes and rules to follow even though they enjoy the efficiency of a combined board.

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*Deanna G. Galt*  
Operator's Signature

1/21/03  
Date

Page 4  
House Industry Business and Labor Committee  
Bill/Resolution Number HB 1204  
Hearing Date 1-22-03

Replying to Rep. Kasper's question about current financial condition of the State Board of Architecture, Schoen stated that they have 600 registered architects in the state (in state that's 130, out of state about 400). Yearly fees of \$65 and the expenses of the board creates a tight budget. We have funds in a legal defense fund (\$60,000).

Rep. Severson asked how they keep track of that membership to which Schoen replied that they have an independent contractor who maintains their data base and provides administrative services.

There being no further testimony in opposition to HB 1204, Vice-Chair Severson closed the hearing.

Representatives Ruby, Klein, Boe and Dennis Colliton were asked to meet this afternoon to work out a resolution in some of the areas that can be refined on this legislation.

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Dennis Colliton  
Operator's Signature

1/22/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1204

House Industry, Business and Labor Committee

☐ Conference Committee

Hearing Date 2/4/03

Tape Number	Side A	Side B	Meter #
2		x	34.0-end
Committee Clerk Signature <i>Heidi Hammer</i>			

Minutes: Chairman Kelser called for committee work on HB 1204.

Rep. Ekstrom walked the committee through the amendments prepared by Legislative Council.

Precise definitions for architects, landscape architects, and landscape architecture are now included within this legislation. She stated that the AIA has not come forth with input or further response.

Rep. Kasper: Are golf course superintendents excluded?

Rep. Ekstrom: Yes.

Rep. Klein: The engineers weren't pleased with all this. What is the additional cost of doing this?

Rep. Ekstrom: There is a fund available for start up, that fund will be applied back to the Board of Architecture.

Rep. Ekstrom moved to adopt the amendments. Rep. Froseth seconded the motion. A voice vote carried the motion to adopt the amendments.

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*Doreen Baller*  
Operator's Signature

*10/2/03*  
Date

Page 2

House Industry, Business and Labor Committee

Bill/Resolution Number HB 1204

Hearing Date 2/04/03

**Rep. Ekstrom** moved a Do Pass As Amended. **Rep. Tieman** seconded the motion.

**Rep. Ruby:** How many landscape architects are there in the state? Why not form their own board? Is this the right board for them?

**Rep. Ekstrom:** There are currently 24 landscape architects in the state.

**Rep. Klein:** Yes, it is.

**Rep. Severson** and **Rep. Zaiser** voiced their support for HB 1204.

The motion for a **Do Pass As Amended** carried with results of 11-3-0.

**Rep. Ruby** will carry this on the floor.

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*Deanna G. [Signature]*  
Operator's Signature

10/2/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
03/31/2003

Amendment to: HB 1204

**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.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$4,000	\$0	\$4,000
Expenditures	\$0	\$0	\$0	\$27,200	\$0	\$27,200
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

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

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

Some estimates have suggested as few as 10-20 and as high as 70 possible landscape architect registrants would sign up. Paul Gleye, a landscape architect from NDSU feels there will be about 20 seeking licensure so this scenario amounts to revenues of \$2,000. per year. Based on the language of the bill of \$100 per registrant, this would mean a loss to our board of \$11,600 a year, or a loss of \$23,200 for a Biennium. Because we do not receive any appropriations, we must operate within our revenues.

**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.*

\$4000 to CLARB (Council of Landscape Architectural Registration Boards) for annual and regional dues --required expense for standardized testing.

\$2,500 for travel and meeting expense would be appropriate for 1 central office person to attend CLARB meetings

\$1,000 for test administration, CLARB requires exams be given twice a year for a total of 5 days, so NDSBA would need to rent a room for testing as well as provide supervision.

\$2,000 for legal expense, based on what NDSBA has spent for rule revisions, this would be a minimum

\$3600 for central office services for administration

\$500 for audit/accountants

This is a total annual expense of \$13,600 a year and a grand total of \$27,200 for the biennium.

**C. Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

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We receive no appropriations.

Name:	Warren Tvenge	Agency:	State Board of Architecture
Phone Number:	701-258-1600	Date Prepared:	03/31/2003

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Deanna Hall  
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10/2/03  
Date

**FISCAL NOTE**  
Requested by Legislative Council  
02/07/2003

Amendment to: HB 1204

**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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$4,000	\$0	\$4,000
Expenditures	\$0	\$0	\$0	\$27,200	\$0	\$27,200
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

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

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

Some estimates have suggested as few as 10-20 and as high as 70 possible landscape architect registrants would sign up. Paul Gleye, a landscape architect from NDSU feels there will be about 20 seeking licensure so this scenario amounts to revenues of \$2,000. per year. Based on the language of the bill of \$100 per registrant, this would mean a loss to our board of \$11,600 a year, or a loss of \$23,200 for a Biennium. Because we do not receive any appropriations, we must operate within our revenues.

**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.

\$4000 to CLARB (Council of Landscape Architectural Registration Boards) for annual and regional dues --required expense for standardized testing.  
\$2,500 for travel and meeting expenses would be appropriate for 1 central office person to attend CLARB meetings  
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\$2,000 for legal expense, based on what NDSBA has spent for rule revisions, this would be a minimum  
\$3600 for central office services for administration  
\$500 for audit/accountants  
This is a total annual expense of \$13,600 a year and a grand total of \$27,200 for the biennium.

**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

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*Doreen Holbrook*  
Operator's Signature

10/2/03  
Date

We receive no appropriations.

Name:	William Schoen	Agency:	ND State Board of Architecture
Phone Number:	701-746-1439	Date Prepared:	02/18/2003

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Deanna Baller  
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10/2/03  
Date



**FISCAL NOTE**  
Requested by Legislative Council  
01/09/2003

Bill/Resolution No.: HB 1204

**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.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$4,000	\$0	\$4,000
Expenditures	\$0	\$0	\$0	\$27,200	\$0	\$27,200
Appropriations						

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

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

**2. Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

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

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

Some estimates have suggested as few as 10-20 and as high as 70 possible landscape architect registrants would sign up. Paul Gleye, a landscape architect from NDSU feels there will be about 20 seeking licensure so this scenario amounts to revenues of \$2,000. per year. Based on the language of the bill of \$100 per registrant, this would mean a loss to our board of \$11,600 a year, or a loss of \$23,200 for a Biennium. Because we do not receive any appropriations, we must operate within our revenues.

**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.

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**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive

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Date

budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

We receive no appropriations.

Name:	William Schoen, President	Agency:	State Board of Architecture
Phone Number:	701-748-1439	Date Prepared:	01/20/2003

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Deanna Baller  
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1/21/03  
Date

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Prepared by the Legislative Council staff for  
Representative Ekstrom  
January 28, 2003

VR  
2/5/03  
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HOUSE AMENDMENTS TO HOUSE BILL NO. 1204 IBL 2-06-03

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-03-01, 43-03-02, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-12, 43-03-13, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, 43-03-21, 43-03-22, and 43-03-23 of the North Dakota Century Code, relating to the registration of architects and landscape architects; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 43-03-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-01. Definitions.** In this chapter, unless the context or the subject matter otherwise requires:

1. "Architect" means an individual who is registered as an architect under this chapter.
2. "Board" means the state board of architecture.
2. ~~"Architect" means an individual who is registered under the provisions of this chapter.~~
3. "Landscape architect" means an individual who practices landscape architecture.
4. "Landscape architecture" means a service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes investigation, selection, and allocation of land and water resources for appropriate uses; formulation of feasibility studies and graphic and written criteria to govern the planning, design, and management of land and water resources; preparation, review, and analysis of land use master plans, schematic subdivision plans, and preliminary plats; determining the location and siting of improvements, including buildings and other features, as well as the access and environs for such improvements; and design of land forms, landscape drainage, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems, and related construction details.

**SECTION 2. AMENDMENT.** Section 43-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-02. Persons exempt from regulations.**

1. The architect registration provisions of this chapter do not apply to the following:
4. A a person making plans and specifications for a building to be constructed by or for that person:

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2. ~~A; a person supervising the erection, enlargement, or alteration of a building being constructed by or for that person;~~
3. ~~A; a person preparing for a school board plans and specifications for, or supervising the erection or alteration of, one-room or two-room school buildings costing not to exceed five thousand dollars;~~
4. ~~The; or an employee of an architect acting under that architect's instruction, control, and supervision in preparing plans and specifications for the erection, enlargement, or alteration of buildings.~~
2. The landscape architect registration provisions of this chapter do not apply to an architect, a professional engineer, or a land surveyor in the course of providing professional services for which otherwise licensed or registered; a nursery worker, gardener, landscape designer, or landscape contractor in the course of preparing planting plans or installing plant material, to the extent these activities do not impact the public health, safety, or welfare; or an individual in the course of planning or otherwise caring for that individual's property.

**SECTION 3. AMENDMENT.** Section 43-03-08 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-08. Board to adopt rules and regulations.** The board shall may adopt the following rules and regulations:

1. To govern its board proceedings.
2. For the examination of candidates for registration.
3. For the regulation of the practice of architecture and landscape architecture.

~~Such rules and regulations must be consistent with the provisions of this chapter and the laws of this state. The board, from time to time, may amend, modify, and repeal such rules and regulations.~~

4. For education of registration applicants.
5. For continuing education of registrants.

**SECTION 4. AMENDMENT.** Section 43-03-09 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-09. Practice of architecture without a license Unauthorized practice prohibited.** A person may not practice architecture as a profession in this state unless ~~that person has obtained from the board a certificate of registration and is registered as an architect under this chapter or otherwise authorized by the board.~~ A person may not practice landscape architecture in this state unless registered as a landscape architect under this chapter or otherwise authorized by the board.

**SECTION 5. AMENDMENT.** Section 43-03-10 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-10. Regulation of use of term licensed architects Terms.**

1. A person may not use the title or designation "registered architect", "licensed architect" ~~nor~~, any variation of the same ~~those terms, nor~~ or any other words, letters, or device to indicate that person is ~~a licensed an~~ architect, without being authorized to practice architecture in this state

Danina Hall  
Operator's Signature

10/2/03  
Date

HOUSE AMENDMENTS TO HOUSE BILL 1204 IBL 2-06-03

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unless that person is registered as an architect in accordance with the provisions of under this chapter. In a copartnership of licensed architects, each member of the partnership shall hold a license certificate of registration to practice.

2. A person may not use the title or designation "registered landscape architect", "licensed landscape architect", any variation of those terms, or any other words, letters, or device to indicate that person is an architect authorized to practice landscape architecture in this state unless that person is registered as a landscape architect under this chapter.

**SECTION 6. AMENDMENT.** Section 43-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-11. Application for examination - Fee.** ~~Before a person an individual~~ may take the examination for registration as an architect or a landscape architect, that ~~person individual~~ shall make an application to the board submitting satisfactory evidence of having the required qualifications and shall pay a fee of fifty dollars. ~~When~~ If reexamination is required, the applicant shall pay a fee of twenty-five dollars for a reexamination. The fee for reexamination may be waived in whole or in part by the board.

**SECTION 7. AMENDMENT.** Section 43-03-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-12. Board to issue certificates of registration.** ~~The board, in accordance with the provisions of this chapter, shall examine those desiring to use the title of architect or to practice as architects in this state applicants for registration and shall issue certificates of registration to those who are qualified. The board may administer an examination or may recognize a board-approved examination of a nationally recognized entity.~~

**SECTION 8. AMENDMENT.** Section 43-03-13 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-13. Qualifications.** ~~An applicant for registration as an architect shall have all of the following qualifications:~~

1. ~~Be~~ Must be at least eighteen years of legal age;
2. ~~Be~~ Must be of good moral character, with rejection possible on the basis of the following:
  - a. Conviction of an offense determined by the board to have a direct bearing upon an applicant's ability to serve the public as an architect or a landscape architect, or the board determines, following conviction of an offense, that the applicant is not sufficiently rehabilitated under section 12.1-33-02.1;
  - b. Misstatement or misrepresentation of fact by the applicant in connection with that ~~person's individual's~~ application; or
  - c. Violation of any of the standards of conduct required of ~~licenseholders~~ registrants and set forth in the statutes;
3. ~~Have~~ Must have successfully completed an examination for registration; and

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4. ~~Have had what in the case of an architect, must have the practical~~ experience and academic training as is specified in the current guidelines published by the national council of architectural registration boards.

**SECTION 9. AMENDMENT.** Section 43-03-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-16. Certificates of registration issued by board - Result of examinations recorded by secretary of board.** The result of every examination for registration as an architect, or a landscape architect and the evidence of qualifications, must be recorded by the secretary of the board, ~~and the~~. The board shall issue a certificate of registration to every ~~person~~ individual who ~~has passed~~ passes the examination or otherwise is entitled to receive the certificate. The secretary of the board shall maintain a list of architects and landscape architects certified under this section. This list must contain the ~~architect's~~ registrant's name, current business address, certification number, and the expiration date of the ~~architect's~~ certificate.

**SECTION 10. AMENDMENT.** Section 43-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-17. Certificates of registration - Term - Renewal.** A certificate of registration as an architect or a landscape architect must be issued for one year upon the payment of the proper fee and, upon the payment of the proper fee, may be renewed without examination.

**SECTION 11. AMENDMENT.** Section 43-03-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-18. Fees.** The following ~~must be the registration and renewal fees required to be paid by an architect~~ apply to architects and landscape architects:

1. Following examination, a ~~an architect~~ registration fee of not more than one hundred dollars, as set by the board.
2. When examination is not necessary under section 43-03-15, a ~~an architect~~ registration fee of not more than one hundred dollars, as set by the board.
3. An annual ~~architect registration~~ renewal fee of not more than one hundred dollars, as set by the board.
4. Following examination, a landscape architect registration fee of not more than five hundred dollars, as set by the board.
5. An annual landscape architect registration renewal fee of not more than five hundred dollars, as set by the board.

**SECTION 12. AMENDMENT.** Section 43-03-19 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-19. Effect of failure to pay renewal fee.**

1. If the holder of a certificate of registration as an architect or a landscape architect fails to pay the annual renewal fee when due, that ~~person's~~ individual's certificate must be revoked unless that ~~person's~~ individual's application for renewal is made within one year after the expiration of that ~~person's~~ individual's certificate. That ~~person~~ individual then shall pay the renewal fee set by the board under section 43-03-18. If a former holder applies for renewal more than one year after the expiration of that ~~person's~~ individual's certificate, that ~~person~~ individual may, in the board's discretion, be reinstated upon payment of a fee of one hundred dollars.

10/2/03

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2. ~~No A~~ certificate may not be revoked for nonpayment of fees unless the secretary of the board has first given at least thirty days' notice by certified mail to the holder of such certificate. The notice must be directed to the last-known address or place of residence of the delinquent.

**SECTION 13. AMENDMENT.** Section 43-03-20 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-20. Revocation of registration.** The board, after a hearing upon thirty days' written notice to the certificate holder thereof, may revoke any certificate of registration of an architect or a landscape architect upon proof that:

1. Such certificate has been obtained by fraud or misrepresentation;
2. The holder of such certificate has been guilty of malfeasance, fraud, gross incompetency, or negligence in connection with the holder's practice of architecture or landscape architecture;
3. The holder of such certificate has allowed ~~a nonregistered persons or~~ entire person to practice as an architect by the device of permitting the holder's name or stamp to be placed upon drawings, or other contract documents, not prepared by the holder or under the holder's direct supervision;
4. The holder of such certificate has been convicted of an offense determined by the board to have a direct bearing upon the holder's ability to serve the public as an architect or landscape architect; or that, following conviction of an offense, the holder is not sufficiently rehabilitated under section 12.1-33-02.1; or
5. The holder of such certificate has violated ~~any provisions of~~ this chapter.

**SECTION 14. AMENDMENT.** Section 43-03-21 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-21. Penalty.** Any person willfully violating ~~the provisions of~~ this chapter is guilty of a class B misdemeanor.

**SECTION 15. AMENDMENT.** Section 43-03-22 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-22. Stamp.** At the time of the issuance of the certificate of registration, the board shall furnish to the applicant, at the applicant's expense, a rubber stamp to be used by the applicant in the conduct of the applicant's practice and to be impressed upon drawings and other documents prepared by the applicant. The board shall prescribe rules governing the use of such stamp and ~~architect's~~ applicant's signature.

**SECTION 16. AMENDMENT.** Section 43-03-23 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-23. ~~Architect not liable~~ Liability for contractor's fault unless responsibility assumed - Liability for own negligence.** An architect or a landscape architect is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or their employees, unless the architect or landscape architect assumes responsibility therefor by contract or by the architect's or landscape architect's actual conduct. ~~Nothing herein may be construed to~~ This section does not relieve an architect or a landscape architect from liability from the

Dennard Holbrook  
Operator's Signature

10/2/03  
Date

HOUSE AMENDMENTS TO HB BILL 1204 IBL 2-06-03

606b

architect's or landscape architect's negligence, whether in the architect's or landscape architect's design work or otherwise."

Renumber accordingly

Page No. 6

30339.0101

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10/2/03  
Date



Date: 2/4/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1204

House Industry, Business & Labor Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

30339.0101  
.0200

Action Taken

Do Pass As Amended

Motion Made By

Ekstrom

Seconded By

Tieman

Representatives	Yes	No	Representatives	Yes	No
Chairman Kelser		<input checked="" type="checkbox"/>	Rep.Boe		<input checked="" type="checkbox"/>
Rep. Severson, Vice-Chair	<input checked="" type="checkbox"/>		Rep. Ekstrom	<input checked="" type="checkbox"/>	
Rep. Dosch	<input checked="" type="checkbox"/>		Rep. Thorpe	<input checked="" type="checkbox"/>	
Rep. Froseth	<input checked="" type="checkbox"/>		Rep. Zaiser	<input checked="" type="checkbox"/>	
Rep. Johnson	<input checked="" type="checkbox"/>				
Rep. Kasper	<input checked="" type="checkbox"/>				
Rep. Klein		<input checked="" type="checkbox"/>			
Rep. Nottlestad	<input checked="" type="checkbox"/>				
Rep. Ruby	<input checked="" type="checkbox"/>				
Rep. Tieman	<input checked="" type="checkbox"/>				

Total (Yes)

11

No

3

Absent

0

Floor Assignment

Ruby

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

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Operator's Signature

Donna Holbrook

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 6, 2003 9:25 a.m.

Module No: HR-23-1805  
Carrier: Ruby  
Insert LC: 30339.0101 Title: .0200

**REPORT OF STANDING COMMITTEE**

**HB 1204: Industry, Business and Labor Committee (Rep. Kelsor, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends  
**DO PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1204 was placed  
on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 43-03-01, 43-03-02, 43-03-08, 43-03-09, 43-03-10, 43-03-11, 43-03-12, 43-03-13, 43-03-16, 43-03-17, 43-03-18, 43-03-19, 43-03-20, 43-03-21, 43-03-22, and 43-03-23 of the North Dakota Century Code, relating to the registration of architects and landscape architects; and to provide a penalty.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Section 43-03-01 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-01. Definitions.** In this chapter, unless the context or the subject matter otherwise requires:

1. "Architect" means an individual who is registered as an architect under this chapter.
2. "Board" means the state board of architecture.
2. ~~"Architect" means an individual who is registered under the provisions of this chapter.~~
3. "Landscape architect" means an individual who practices landscape architecture.
4. "Landscape architecture" means a service in which landscape architectural education, training, and experience and the application of mathematical, physical, and social science principles are applied in consultation, evaluation, planning, design, and administration of contracts relative to projects principally directed at the functional and aesthetic use and preservation of land. The term includes investigation, selection, and allocation of land and water resources for appropriate uses; formulation of feasibility studies and graphic and written criteria to govern the planning, design, and management of land and water resources; preparation, review, and analysis of land use master plans, schematic subdivision plans, and preliminary plats; determining the location and siting of improvements, including buildings and other features, as well as the access and environs for such improvements; and design of land forms, landscape drainage, site lighting, water features, irrigation systems, plantings, pedestrian and vehicular circulation systems, and related construction details.

**SECTION 2. AMENDMENT.** Section 43-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-02. Persons exempt from regulations.**

1. The architect registration provisions of this chapter do not apply to the following:

1. A person making plans and specifications for a building to be constructed by or for that person.
2. A person supervising the erection, enlargement, or alteration of a building being constructed by or for that person.
3. A person preparing for a school board plans and specifications for, or supervising the erection or alteration of, one-room or two-room school buildings costing not to exceed five thousand dollars.
4. The or an employee of an architect acting under that architect's instruction, control, and supervision in preparing plans and specifications for the erection, enlargement, or alteration of buildings.
2. The landscape architect registration provisions of this chapter do not apply to an architect, a professional engineer, or a land surveyor in the course of providing professional services for which otherwise licensed or registered; a nursery worker, gardener, landscape designer, or landscape contractor in the course of preparing planting plans or installing plant material, to the extent these activities do not impact the public health, safety, or welfare; or an individual in the course of planning or otherwise caring for that individual's property.

**SECTION 3. AMENDMENT.** Section 43-03-08 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-08. Board to adopt rules and regulations.** The board shall may adopt the following rules and regulations:

1. To govern its board proceedings.
2. For the examination of candidates for registration.
3. For the regulation of the practice of architecture and landscape architecture.

~~Such rules and regulations must be consistent with the provisions of this chapter and the laws of this state. The board, from time to time, may amend, modify, and repeal such rules and regulations.~~

4. For education of registration applicants.
5. For continuing education of registrants.

**SECTION 4. AMENDMENT.** Section 43-03-09 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-09. ~~Practice of architecture without a license~~ Unauthorized practice prohibited.** A person may not practice architecture ~~as a profession~~ in this state unless ~~that person has obtained from the board a certificate of registration and is registered as an architect under this chapter or otherwise authorized by the board.~~ A person may not practice landscape architecture in this state unless registered as a landscape architect under this chapter or otherwise authorized by the board.

**SECTION 5. AMENDMENT.** Section 43-03-10 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-10. Regulation of use of term ~~licensed architects~~ Terms.**

1. A person may not use the title or designation "registered architect", "licensed architect" ~~nor~~, any variation of ~~the same those terms, nor~~ any other words, letters, or device to indicate that person is a ~~licensed an~~ architect, ~~without being authorized to practice architecture in this state unless that person is registered as an architect in accordance with the provisions of under this chapter.~~ In a copartnership of ~~licensed~~ architects, each member of the partnership shall hold a ~~license~~ certificate of registration to practice.
2. A person may not use the title or designation "registered landscape architect", "licensed landscape architect", any variation of those terms, or any other words, letters, or device to indicate that person is an architect authorized to practice landscape architecture in this state unless that person is registered as a landscape architect under this chapter.

**SECTION 6. AMENDMENT.** Section 43-03-11 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-11. Application for examination - Fee.** Before ~~a person~~ an individual may take the examination for registration as an architect or a landscape architect, ~~that person~~ individual shall make an application to the board submitting satisfactory evidence of having the required qualifications and shall pay a fee of fifty dollars. ~~When~~ If reexamination is required, the applicant shall pay a fee of twenty-five dollars for a reexamination. The fee for reexamination may be waived in whole or in part by the board.

**SECTION 7. AMENDMENT.** Section 43-03-12 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-12. Board to issue certificates of registration.** The board, ~~in accordance with the provisions of this chapter,~~ shall examine ~~those desiring to use the title of architect or to practice as architects in this state~~ applicants for registration and shall issue certificates of registration to those who are qualified. The board may administer an examination or may recognize a board-approved examination of a nationally recognized entity.

**SECTION 8. AMENDMENT.** Section 43-03-13 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-13. Qualifications.** An applicant for registration ~~as an architect shall have all of the following qualifications:~~

1. ~~Be~~ Must be at least eighteen years of legal age;
2. ~~Be~~ Must be of good moral character, with rejection possible on the basis of the following:
  - a. Conviction of an offense determined by the board to have a direct bearing upon an applicant's ability to serve the public as an architect or a landscape architect, or the board determines, following conviction of an offense, that the applicant is not sufficiently rehabilitated under section 12.1-33-02.1;
  - b. Misstatement or misrepresentation of fact by the applicant in connection with that ~~person's~~ individual's application; or

- c. ~~Violation of any of the standards of conduct required of licenseholders and set forth in the statutes.~~ registrants;
3. ~~Have~~ Must have successfully completed an examination for registration; and
4. ~~Have had what~~ In the case of an architect, must have the practical experience and academic training as is specified in the current guidelines published by the national council of architectural registration boards.

**SECTION 9. AMENDMENT.** Section 43-03-16 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-16. Certificates of registration issued by board - Result of examinations recorded by secretary of board.** The result of every examination for registration as an architect, or a landscape architect and the evidence of qualifications, must be recorded by the secretary of the board, ~~and the~~. The board shall issue a certificate of registration to ~~every person~~ individual who ~~has passed~~ passes the examination or otherwise is entitled to receive the certificate. The secretary of the board shall maintain a list of architects and landscape architects certified under this section. This list must contain the ~~architect's~~ registrant's name, current business address, certification number, and the expiration date of the ~~architect's~~ certificate.

**SECTION 10. AMENDMENT.** Section 43-03-17 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-17. Certificates of registration - Term - Renewal.** A certificate of registration as an architect or a landscape architect must be issued for one year upon the payment of the proper fee and, upon the payment of the proper fee, may be renewed without examination.

**SECTION 11. AMENDMENT.** Section 43-03-18 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-18. Fees.** The following ~~must be the registration and renewal fees required to be paid by an architect~~ apply to architects and landscape architects:

1. Following examination, ~~a~~ an architect registration fee of not more than one hundred dollars, as set by the board.
2. When examination is not necessary under section 43-03-15, ~~a~~ an architect registration fee of not more than one hundred dollars, as set by the board.
3. An annual architect registration renewal fee of not more than one hundred dollars, as set by the board.
4. Following examination, a landscape architect registration fee of not more than five hundred dollars, as set by the board.
5. An annual landscape architect registration renewal fee of not more than five hundred dollars, as set by the board.

**SECTION 12. AMENDMENT.** Section 43-03-19 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-19. Effect of failure to pay renewal fee.**

1. If the holder of a certificate of registration as an architect or a landscape architect falls to pay the annual renewal fee when due, that ~~person's~~ individual's certificate must be revoked unless that ~~person's~~ individual's application for renewal is made within one year after the expiration of that ~~person's~~ individual's certificate. That ~~person~~ individual then shall pay the renewal fee set by the board under section 43-03-18. If a former holder applies for renewal more than one year after the expiration of that ~~person's~~ individual's certificate, that ~~person~~ individual may, in the board's discretion, be reinstated upon payment of a fee of one hundred dollars.
2. ~~No A~~ certificate may not be revoked for nonpayment of fees unless the secretary of the board has first given at least thirty days' notice by certified mail to the holder of such certificate. The notice must be directed to the last-known address or place of residence of the delinquent.

**SECTION 13. AMENDMENT.** Section 43-03-20 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-20. Revocation of registration.** The board, after a hearing upon thirty days' written notice to the certificate holder ~~thereof~~, may revoke any certificate of registration of an architect or a landscape architect upon proof that:

1. Such certificate has been obtained by fraud or misrepresentation;
2. The holder of such certificate has been guilty of malfeasance, fraud, gross incompetency, or negligence in connection with the holder's practice of architecture or landscape architecture;
3. The holder of such certificate has allowed a nonregistered ~~persons or~~ entitled person to practice as an architect by the device of permitting the holder's name or stamp to be placed upon drawings, or other contract documents, not prepared by the holder or under the holder's direct supervision;
4. The holder of such certificate has been convicted of an offense determined by the board to have a direct bearing upon the holder's ability to serve the public as an architect or landscape architect; or that, following conviction of an offense, the holder is not sufficiently rehabilitated under section 12.1-33-02.1; or
5. The holder of such certificate has violated ~~any provisions of this chapter.~~

**SECTION 14. AMENDMENT.** Section 43-03-21 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-21. Penalty.** Any person willfully violating ~~the provisions of~~ this chapter is guilty of a class B misdemeanor.

**SECTION 15. AMENDMENT.** Section 43-03-22 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-22. Stamp.** At the time of the issuance of the certificate of registration, the board shall furnish to the applicant, at the applicant's expense, a rubber stamp to be used by the applicant in the conduct of the applicant's practice and to be impressed upon drawings and other documents prepared by the applicant. The board shall prescribe rules governing the use of such stamp and ~~architect's~~ applicant's signature.

Donna Hall  
Operator's Signature

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
February 6, 2003 9:25 a.m.

Module No: HR-23-1805  
Carrier: Ruby  
Insert LC: 30339.0101 Title: .0200

**SECTION 16. AMENDMENT.** Section 43-03-23 of the North Dakota Century Code is amended and reenacted as follows:

**43-03-23. ~~Architect not liable~~ Liability for contractor's fault ~~unless responsibility assumed~~ - Liability for own negligence.** An architect or a landscape architect is not liable for the safety of persons or property on or about a construction project site, or for the construction techniques, procedures, sequences and schedules, or for the conduct, action, errors, or omissions of any construction contractor, subcontractor, or material supplier, their agents or their employees, unless the architect or landscape architect assumes responsibility therefor by contract or by the architect's or landscape architect's actual conduct. ~~Nothing herein may be construed to~~ This section does not relieve an architect or a landscape architect from liability from the architect's or landscape architect's negligence, whether in the architect's or landscape architect's design work or otherwise."

Renumber accordingly

2003 SENATE POLITICAL SUBDIVISIONS

HB 1204

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Deanna Hall  
Operator's Signature

10/2/03  
Date



2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1204

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 13, 2003

Tape Number	Side A	Side B	Meter #
1	X		0- 6125
		X	0 - 1215
Committee Clerk Signature <i>Shirley Long</i>			

Minutes

**CHAIRMAN COOK** called the committee to order. All members (6) present.

**CHAIRMAN COOK** opened the hearing on HB 1204 relating to the registration of architects and landscape architects.

**Testimony in Support of HB 1204**

**REPRESENTATIVE EKSTROM**, District 11, Fargo, ND, introduced HB 1204 and recommended a DO PASS. (See attached testimony)

**SENATOR COOK** asked Representative Ekstrom to walk the committee through the engrossed version of the bill.

Tape 1, Side A, Meter # 280 -878.

**Paul Gleye**, Department Chair, NDSU Dept. of Architecture and Landscape Architecture, appeared in Support of HB 1204. In his role as chair, he supports both professions of architecture and landscape architecture and supports licensure for landscape architecture in North

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Operator's Signature

10/2/03  
Date

Page 2

Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 13, 2003

Dakota as it is in forty six other states. He realize some concerns have been expressed by his friends the architects. The concerns are legitimate concerns but he also thinks the issues that they raise are manageable issues. They have to do with the time burden on the board of architecture to develop administrative rules and potential cost burden for administrating the landscape regulations. These issues are manageable through discussion of people and the landscape architects have some proposals to address this matter. He feels this bill is a good one for North Dakota.

Discussion; Tape 1, Side A, Meter # 1285 - 1848.

**Jim Hanson**, Landscape Architect, Hanson Design Association, appeared in support of HB 1204. He owns a self proprietor firm in Fargo, ND, since 1997. The licensing of landscape architects in ND as a legitimate technical profession, will affect standards and improve its credibility. He is not licensed in North Dakota. One of the difficulties of North Dakota of not having the licensing law deals with the health safety and welfare issues.

Discussion: Tape 1, Side A, Meter # 1949 - 2893.

**Mike Allmendinger**, Graduate of NDSU Landscape Architect program in 1998 appeared in support of HB 1204 and would like to get licensed in North Dakota.

**Barbara Burgum**, MN Landscape Architect, urges support of HB 1204. This bill is also supported by some of the major consumers of Landscape Architect Services.

**Cindy Sondreal**, Student at NDSU appeared in favor of passing HB 1204. Graduating in May and her job search has begun and she now has to look outside of the state and would like to use her education to be a professional landscape architect so would like to see this bill passed.

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Date

Page 3  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB1204  
Hearing Date March 13, 2003

**Greg Haman**, Second year student of landscape architecture at NDSU appeared in support of HB 1204. He thinks it would be a big step forward in keeping young people in North Dakota to license landscape architects in North Dakota.

**Dennis Colliton**, Program Director for Landscape Architecture since 1985 at NDSU. He has a deep respect for my architecture colleagues and I think one problems is communication. One point is if a graduate does stay in North Dakota there are states where they go without an apprenticeship they can go to Iowa if they pass the exam, but when they come back they can not move that license back to Minnesota because Minnesota still requires an apprenticeship. It is impossible for someone to work in North Dakota and end up with a license in the adjacent state because of the apprenticeship. He does not no how to resolve that. There are rules and regulations that are available (See attached packet) Feels the technical committee could help with preparing any type of regulations These are the model rules and regulations that are available in other states and think they may help provide the actual start up.

**SENATOR COOK** said he thinks everyone would like to see landscape architects have the opportunity to be licensed and registered in the State of North Dakota. Figuring the fiscal note is the challenge that they have. To what degree could the NDSU 3 member volunteer technical committee help facilitate this process and reduce the cost that we see in the fiscal note.

**Dennis Colliton** answered that he felt they could reduce all the administrative costs that there would be.

**SENATOR COOK** said we do not need to do anything to have that happen.

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Senate Political Subdivisions Committee  
Bill/Resolution Number HB1204  
Hearing Date March 13, 2003

**Bonnie Larson Staiger**, Executive Director of the AIA ND, appeared in support of HB 1204 except we would have to back off of support depending on what the amendments of Mr Colliton are. (See attached testimony)

**Joel Davy**, President Elect of AIA ND stated that their concerns were that the architects of ND do not bear a financial burden that our board which is a voluntary board, spends many hours to support our profession as a board is not unduly burden and our administrators are not burdened by this bill. In principle we strongly support licensure for our landscape architects. We think it would be beneficial to North Dakota but I think it is fair to say that they do not wish to bear the cost by architect.

**Doreen Mehlhoff**, ND Association of Builders, appeared overall to have support for HB 1204. Their main concerns are Section 2 and 16. Section 2 deals with persons who are exempt and within their membership of about fourteen hundred members across the state, we have folks who build decks, evaquators who do landscaping work, people who do paving of patios and blocks and tiles outdoors and they want to make sure they are not infringed upon and expected to turn over that work to landscapers architect. Section 16 the concern of liability.

**Candle Roberson**, ND State Board of Registration for Professional Engineers and Land Surveyors, appeared in support of HB 1204 (See attached testimony she presented for Gary Arman, Chairman of the Board of Registration for Professional Engineers and Land Surveyors)

**Ron Rebenitch**, Chair for ND Society of Professional Engineers appeared in support of HB 1204. Do have some questions about this bill. 1. Would a landscaper architect be allowed to design thirty foot high retaining walls. 2. Would a landscape architect be performing hydrology over large areas which would be from run off from flooding. 3. Would a landscape architect be

Page 5

Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 13, 2003

allowed to do geotectonical reinforcement so you don't have deep slopes causing land slides.

These are engineering issues. The amendments that the architects purposed they support but do not no anything about the new amendments.

Rich Engebretson, North Dakota State Board of Architecture appeared neither in support or opposed to HB 1204 (See attached testimony)

Discussion: Tape 1, Side B, Meter # 980 - 1207.

CHAIRMAN COOK closed the hearing on HB 1204.

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*Dorinda Ball*  
Operator's Signature

10/2/03  
Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB1204

Senate Political Subdivisions Committee

☐ Conference Committee

Hearing Date March 27, 2003

Tape Number	Side A	Side B	Meter #
1	X		65-end
1		X	0-1235
Committee Clerk Signature <i>Mary Kay Lusk</i>			

Minutes:

Chairman Cook opened the discussion on HB1204. All committee members are present (6).

This bill relates to the registration of architects and landscape architects. Amendment has been presented.

Bonnie Staiger, Executive Director of Association of Architects, (mtr #133) - Is bringing forward amendments that have been sponsored and signed off by the various parties that have been involved with this bill. Reviewed each part of amendment #.0204 and clarified its intent.

Senator Cook (mtr #841) - Assumed since you are here with the amendment that it has been resolved with the architects. Please explain what will happen chronologically between now and two years from now when we come back, with this in place.

Ms. Staiger (mtr #943) - First thing that will happen, two advisory committee's will be established. The one committee will remain dormant initially. The second committee will go into operation to get technical language put together.

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Date

Page 2  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB1204  
Hearing Date March 27, 2003

Senator Cook (mtr #1008) - Where will the members be chosen from? What group is available for these three to be selected from.

Ms. Staiger (mtr #1043) - The Technical Advisory Committee is going to be drawn from the pool of potential resident landscape architects in the state. Guessing that we will look at three to serve. Feels State Board of Architecture will look outside of NDSU for at least two of them. Feel it is important to have practicing landscape architects on the committee.

Senator Cook (mtr #1130) - So this group will start working on administrative rules?

Ms. Staiger (mtr #1154) - That is correct.

Senator Cook (mtr #1161) - Any idea of how many dollars in expenses could be incurred at the time that these rules are approved.

Ms. Staiger (mtr #1173) - The State Board of Architecture has spent, in the last two years, approximately \$8,000.00. And those administrative rules are in the pipeline now, have been approved by the State Boards counsel, the hearing was posted and published. Gave breakdown of expenses. All of those rules that are in the process have to be pulled back, combined and merged with language and resubmitted. So many of these expenses will be double.

Senator Cook (mtr #1320) - These are rules that only affect architects?

Ms. Staiger - Agreed.

Senator Cook (mtr #1339) - What is the earliest point if everything proceeds, December 31st of 2004, the landscape architect could be licensed in the State of North Dakota? Or could it be sooner than that if the rules all get approved.

Ms. Staiger (mtr #1375) - Understands that a certificate of license could be issued prior to that date. This would be the absolute outside. There are scheduling problems. Legislative Council

Page 3

Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 27, 2003

has very strict and rigid time table for these things. Is very complicated in the best of circumstances.

Senator Cook (mtr #1464) - As soon as the rules are approved and put into place, a landscape architect could apply, be approved, pay their fee, would probably be confronted with a \$200.00 charge. After December 31, 2004, nobody can practice landscape architect in the State of ND without a license.

Ms. Staiger (mtr #1519) - That is my understanding.

Senator Cook (mtr #1529) - Right can practice in ND without a license.

Ms. Staiger - That is correct.

Senator Cook (mtr #1564) - As going through process and trying to raise funds, and we have the first seven licensed landscape architects, expenses that have been incurred, you have the discretion to assess additional fees.

Ms. Staiger - That is correct.

Senator Cook (mtr #1625) - And if expenses extremely high where the fees that are assessed are more than what they want to pay, they have the right to say "I'm not paying them". If they all say that, after December 31, 2004 nobody would be able to practice landscape architect in the State of ND unless licensed from another state.

Ms. Staiger (mtr #1701) - Not sure she understands the question. Statement to clarify, if there are six resident landscape architects who chose not to become licensed because the fee might be out of their reach, and then there are none, that is their choice. It is not that they are prevented from getting a license. Non resident landscape architects can also seek a license by a reciprocal process, but still have to pay the state fee.

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Operator's Signature

10/2/03  
Date



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Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 27, 2003

Senator Cook (mtr #1809) - The means for allowing non resident licensed landscape architects to become licensed in ND, that process would be a part of the administrative rule.

Ms. Staiger - That is correct. Added, regarding the \$2000.00 assessment, I understand that the State Board of Architecture is planning to take a portion of its legal defense reserve and set aside for operating expenses, and would not inordinately charge fees to applicants, but fees would be reasonable to reimburse that portion of the fund.

Senator J. Lee (mtr #1980) - Are there any landscape architects that have objections to this licensing process.

Ms. Staiger - Is unaware of any, because only knows of three and all three have been involved in the process.

Senator G. Lee (mtr #2018) - If trained as a licensed landscape architect but don't want to become registered, can I still work of not registered.

Ms. Staiger (mtr #2074) - You could call yourself a landscape designer, or a evergreen specialist. But if anyone were to lodge a complaint against you, for practicing landscape architect without a license, regardless of what you call yourself, the State Board of Architect would have to consider that complaint.

Senator G. Lee (mtr #2151) - Question on the makeup of the Board, sees that the Board if Architecture is the governing body of this, doesn't see that it includes any landscape architect as a member of the Board.

Ms. Staiger (mtr #2178) - That is correct. Speculated, the landscape architect folks that are involved in pursuing this bill, new that they had an uphill climb and did not ask for a seat on the

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Page 5

Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 27, 2003

board. Guessing that at some point in the future, we will back here for changes to add a landscape architect.

Senator G. Lee (mtr #2356) - Question on section 17 regarding the advisory committee, that would dissolve itself once it has completed its work.

Ms. Staiger (mtr #2378) - Understands that those two advisory committees would remain in place and will continue to serve as advisors.

Senator G. Lee (mtr #2417) - In use of additional funds, in terms of a private source, are there legal issues related to that?

Ms. Staiger (mtr #2463) - Understands that this the proper mechanism, the Board will be able to accept private and public funds.

Senator J. Lee (mtr #2522) - Did the same thing in the CHIP language, thinks there is a precedence.

Senator Syverson (mtr #2563) - Question regarding funding, made a comment that the Architectural Board has incurred a significant amount of expenses and the work that they have done would be invalid with the adoption of this bill. Why that work would become invalid.

Ms. Staiger (mtr #2651) - Some expenses would have to be repeated. Some would stay in place. But, new language for incorporating the landscape architects into that, would have to be expended and the merging of the two would require additional legal advise. In that case some expenses that would be repeated.

Senator Syverson (mtr #2801) - The architects were rewriting their rules several months ago?

Ms. Staiger - That is correct, the State Board of Architecture has been in the process of rewriting it administrative rules.

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*Dan Hall*  
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10/2/03  
Date

Page 6

Senate Political Subdivisions Committee

Bill/Resolution Number HB1204

Hearing Date March 27, 2003

Senator Polovitz (mtr #2883) - Understands that the State Board of Architects will really be the Board that will draw up the rules and regulations, assisted by the three member landscape architects. In reality the State Board of Architects will have the final say, but will be assisted by these two committees.

Ms. Staiger (mtr #3027) - That is correct. State Board will make final decision in consultation with respective committees.

Senator Christenson (mtr #3119) - Question on the licensure situation.

Tape 1, Side B

Ms. Staiger (mtr #15) - Answered about practicing with or without a license.

Senator Cook (mtr #60) - Commended Ms. Staiger for her work. As to what is before us, if it is to be successful, depends on a lot of faith and trust.

Ms. Staiger (mtr #101) - That is correct. Does rely on trust and good faith and mutual respect. Right now there is some serious work to do.

Senator Cook (mtr #150) - Do you think, going through the process, could help to rebuild some of the trust or could it do the opposite.

Ms. Staiger (mtr #176) - A week after the hearing, I would have given a different answer. Since the hearing several weeks ago, people realized they had to compromise. Continued about what kind of work was done to have the two groups compromise.

Senator G. Lee (mtr #364) - Looking for an implementation date.

Ms. Staiger (mtr #382) - Had a bit of confusion yesterday, because of fees the effect is 7-1-2004. Gave further explanation about the effective.

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Date

Page 7  
Senate Political Subdivisions Committee  
Bill/Resolution Number HB1204  
Hearing Date March 27, 2003

Committee Discussion

Senator J. Lee (mtr #477) - Comment, one of the stakeholders that signed the letter was from my district. Supports this issue.

Senator Syverson (mtr #643) - Strongly supports landscape architecture, has deep reservations.

Both sides have found common ground and started working together.

Senator Cook (mtr #811) - Is a possibility of some negative consequences. Shares concerns with Senator Syverson.

Senator Judy Lee moves to amend with #30339.0204. Second by Senator Christenson.

Roll call vote 6 yea, 0 nay, 0 absent.

Senator Syverson moves a Do Pass as Amended with 30339.0204. Second by Senator Christenson. Roll call vote 6 yea, 0 nay, 0 absent. Carrier is Senator Judy Lee.

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10/2/03  
Date

30339.0201  
Title.

Prepared by the Legislative Council staff for  
Senator Flakoll  
March 10, 2003

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1204

Page 1, line 4, remove the second "and" and after "penalty" insert "; and to provide an effective date"

Page 1, line 16, replace "means a service in which landscape architectural" with "does not include the practice of engineering and practice of professional engineering as defined under section 43-19.1-02."

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 5

Page 2, line 20, replace "an" with:

"a. An"

Page 2, line 22, replace "a" with:

"b. A"

Page 2, line 25, replace "an" with:

"c. An"

Page 3, line 18, replace "Terms" with "terms"

Page 3, line 23, overstrike "In accordance"

Page 3, line 28, replace "an" with "a landscape"

Page 4, line 6, overstrike "a" and insert immediately thereafter "an examination" and overstrike "of fifty dollars" and insert immediately thereafter "set by the board"

Page 4, line 7, after the first "a" insert "reexamination" and overstrike "of twenty-five dollars for a reexamination" and insert immediately thereafter "as set by the board"

Page 5, line 3, after "boards" insert "if such guidelines are adopted by the board"

Page 5, after line 3, insert:

"5. Must satisfy registration criteria adopted by the board."

Page 5, line 18, overstrike "one year upon the payment of the"

Page No. 1

30339.0201

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Deanna Bell  
Operator's Signature

10/2/03  
Date

Page 5, line 19, overstrike "proper fee and, upon" and insert immediately thereafter "a term established by the board. Upon" and after the second comma insert "a certificate of registration"

Page 5, line 22, after the second boldfaced period insert:

"1."

Page 5, line 24, overstrike "1." and insert immediately thereafter "a."

Page 5, line 26, overstrike "2." and insert immediately thereafter "b."

Page 5, line 28, overstrike "3." and insert immediately thereafter "c.", overstrike "annual", overstrike "of not" and insert immediately thereafter ", which need not be collected annually, but which must be based on no", and after "dollars" insert "per year"

Page 5, line 30, replace "4." with "d."

Page 6, line 1, replace "5. An annual" with "e. A" and replace "of not" with ", which need not be collected annually, but which must be based on no"

Page 6, line 2, after "dollars" insert "per year"

Page 6, after line 2, insert:

"2. If in any year the board incurs expenses related to regulation of landscape architects which are in excess of the income generated through landscape architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Landscape architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of landscape architecture."

Page 6, line 5, overstrike "renewal"

Page 6, line 7, overstrike "annual" and after "fee" insert "or a special fee"

Page 6, line 9, overstrike "That"

Page 6, line 10, after "person" insert "If application for renewal is made within one year, that" and overstrike "renewal" and insert immediately thereafter "delinquent"

Page 6, line 13, overstrike "of one hundred dollars" and insert immediately thereafter "as set by the board"

Page 7, after line 28, insert:

"SECTION 17. EFFECTIVE DATE. This Act becomes effective on January 1, 2005."

Renumber accordingly

30339.0204  
Title.0300

Prepared by the Legislative Council staff for  
Senator Flakoll  
March 25, 2003

JB  
3-28-03  
10B

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1204

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 43-03 of the North Dakota Century Code, relating to regulation of landscape architects; to"

Page 1, line 16, replace "means a service in which landscape architectural" with "does not include the practice of engineering and practice of professional engineering as defined under section 43-19.1-02."

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 5

Page 2, line 20, replace "an" with ":

a. An"

Page 2, line 22, replace "a" with:

"b. A"

Page 2, line 25, replace "an" with:

"c. An"

Page 3, line 13, replace "A" with "After December 31, 2004, a"

Page 3, line 18, replace "Terms" with "terms"

Page 3, line 23, overstrike "in accordance"

Page 3, line 28, replace "an" with "a landscape"

Page 4, line 6, overstrike "a" and insert immediately thereafter "an examination" and overstrike "fifty" and insert immediately thereafter "not more than one hundred"

Page 4, line 7, after the first "a" insert "reexamination" and overstrike "twenty-five" and insert immediately thereafter "not more than one hundred"

Page 5, line 3, after "boards" insert "if such guidelines are adopted by the board"

Page 5, after line 3, insert:

"5. Must satisfy registration criteria adopted by the board."

Page 5, line 18, overstrike "one year upon the payment of the"

Page No. 1

30339.0204

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*Donna Hall*

10/2/03  
Date

Page 5, line 19, overstrike "proper fee and, upon" and insert immediately thereafter "a term established by the board. Upon" and after the second comma insert "a certificate of registration"

Page 5, line 22, after the second boldfaced period insert:

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Page 5, line 24, overstrike "1." and insert immediately thereafter "a."

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Page 5, line 28, overstrike "3." and insert immediately thereafter "c.", overstrike "annual", overstrike "of not" and insert immediately thereafter ", which need not be collected annually, but which must be based on no", and after "dollars" insert "per year"

Page 5, line 30, replace "4." with "d."

Page 6, line 1, replace "5. An annual" with "e. A" and replace "of not" with ", which need not be collected annually, but which must be based on no"

Page 6, line 2, after "dollars" insert "per year"

Page 6, after line 2, insert:

- "2. If in any year the board incurs expenses related to regulation of landscape architects which are in excess of the income generated through landscape architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Landscape architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of landscape architecture.
3. If in any year the board incurs expenses related to regulation of architects which are in excess of the income generated through architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of architecture.

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Page 6, line 9, overstrike "That"

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Page 6, line 13, overstrike "of one hundred dollars" and insert immediately thereafter "as set by the board"

Page 7, after line 28, insert:



3 of 3  
"SECTION 17. Two new sections to chapter 43-03 of the North Dakota Century Code are created and enacted as follows:

Landscape architect and architect advisory committees. Before July 15, 2003, the board shall appoint a landscape architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three landscape architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of expenses incurred in serving on the committee. Before July 15, 2003, the board shall appoint an architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of expenses incurred in serving on the committee.

Use of additional funds. The board may apply for, solicit, accept, and expend any contribution, grant, or gift made available from a public or private source for the purpose of regulating landscape architects."

Renumber accordingly

Date: 3-27-01  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1204

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30339.0204

Action Taken Move Amendments on HB 1204 30339.0204

Motion Made By Senator Judy Lee Seconded By Senator Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, VC	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment \_\_\_\_\_

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

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Donna Holladay 10/2/03  
Operator's Signature Date

Date: 3-27-03  
Roll Call Vote #: 2

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1204

Senate Political Subdivisions Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 30339.0204

Action Taken Do Passed as Amended 30339.0204

Motion Made By Senator Syverson Seconded By Senator Christenson

Senators	Yes	No	Senators	Yes	No
Senator Dwight Cook, Chairman	X				
Senator John O. Syverson, V C	X				
Senator Gary A. Lee	X				
Senator Judy Lee	X				
Senator Linda Christenson	X				
Senator Michael Polovitz	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Judy Lee

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

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Operator's Signature

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
March 28, 2003 10:18 a.m.

Module No: SR-56-6033  
Carrier: J. Lee  
Insert LC: 30339.0204 Title: .0300

**REPORT OF STANDING COMMITTEE**

HB 1204, as engrossed: Political Subdivisions Committee (Sen. Cook, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1204 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact two new sections to chapter 43-03 of the North Dakota Century Code, relating to regulation of landscape architects; to"

Page 1, line 16, replace "means a service in which landscape architectural" with "does not include the practice of engineering and practice of professional engineering as defined under section 43-19.1-02."

Page 1, remove lines 17 through 24

Page 2, remove lines 1 through 5

Page 2, line 20, replace "an" with ":

a. An"

Page 2, line 22, replace "a" with:

"b. A"

Page 2, line 25, replace "an" with:

"c. An"

Page 3, line 13, replace "A" with "After December 31, 2004, a"

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Page 3, line 28, replace "an" with "a landscape"

Page 4, line 6, overstrike "a" and insert immediately thereafter "an examination" and overstrike "fifty" and insert immediately thereafter "not more than one hundred"

Page 4, line 7, after the first "a" insert "reexamination" and overstrike "twenty-five" and insert immediately thereafter "not more than one hundred"

Page 5, line 3, after "boards" insert "If such guidelines are adopted by the board"

Page 5, after line 3, insert:

"5. Must satisfy registration criteria adopted by the board."

Page 5, line 18, overstrike "one year upon the payment of the"

Page 5, line 19, overstrike "proper fee and, upon" and insert immediately thereafter "a term established by the board. Upon" and after the second comma insert "a certificate of registration"

Page 5, line 22, after the second boldfaced period insert:

(2) DESK, (3) COMM

Page No. 1

SR-56-6033

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Operator's Signature

10/2/03  
Date

REPORT OF STANDING COMMITTEE (410)  
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Page 5, line 26, overstrike "2." and insert immediately thereafter "b."

Page 5, line 28, overstrike "3." and insert immediately thereafter "c.", overstrike "annual", overstrike "of not" and insert immediately thereafter "which need not be collected annually, but which must be based on no", and after "dollars" insert "per year"

Page 5, line 30, replace "4." with "d."

Page 6, line 1, replace "5. An annual" with "e. A" and replace "of not" with "which need not be collected annually, but which must be based on no"

Page 6, line 2, after "dollars" insert "per year"

Page 6, after line 2, insert:

"2. If in any year the board incurs expenses related to regulation of landscape architects which are in excess of the income generated through landscape architect fees for that year, the board may assess a special fee to cover these excess expenses. The board may continue an annual special fee assessed under this subsection until the excess obligations are met. Landscape architect fees set by the board may not exceed the amount reasonably necessary to regulate the profession of landscape architecture.

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Page 6, line 5, overstrike "renewal"

Page 6, line 7, overstrike "annual" and after "fee" insert "or a special fee"

Page 6, line 9, overstrike "That"

Page 6, line 10, after "person" insert "If application for renewal is made within one year, that" and overstrike "renewal" and insert immediately thereafter "delinquent"

Page 6, line 13, overstrike "of one hundred dollars" and insert immediately thereafter "as set by the board"

Page 7, after line 28, insert:

"SECTION 17. Two new sections to chapter 43-03 of the North Dakota Century Code are created and enacted as follows:

Landscape architect and architect advisory committees. Before July 15, 2003, the board shall appoint a landscape architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three landscape architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of

(2) DESK, (3) COMM

Page No. 2

SR-56-6033

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REPORT OF STANDING COMMITTEE (410)  
March 28, 2003 10:18 a.m.

Module No: SR-56-6033  
Carrier: J. Lee  
Insert LC: 30339.0204 Title: .0300

expenses incurred in serving on the committee. Before July 15, 2003, the board shall appoint an architect advisory committee to assist in implementation and coordination of landscape architect regulation. The committee must consist of three architects. Committee members serve on a voluntary basis and are not entitled to receive from the board compensation or reimbursement of expenses incurred in serving on the committee.

Use of additional funds. The board may apply for, solicit, accept, and expend any contribution, grant, or gift made available from a public or private source for the purpose of regulating landscape architects."

Renumber accordingly

(2) DESK, (3) COMM

Page No. 3

SR-56-6033

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10/2/03  
Date

2003 TESTIMONY

HB 1204

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Dorena G. Hall  
Operator's Signature

10/2/03  
Date

North Dakota House of Representatives  
Industry Business and Labor Committee  
George Keiser, Chairman  
HB 1204 / Registration of Landscape Architects  
January 22, 2003

Good Morning Chairman Keiser and member of the IBL Committee. For the record, again, my name is Representative Mary Ekstrom and I serve District 11 in Fargo.

I am here to present HB 1204 which allows for registration of Landscape Architects in the state under the Board of Architecture.

NDSU has a Landscape Architecture program which serves a five state area. In order for graduates to become licensed, they must leave the state.

This is a professional program and deserves recognition by the State.

There are others here who can explain the process of examination and licensure better than I can, so I will leave the details to them.

I have also included e-mails I have received regarding this bill with my testimony.

On a personal note, Mr. Chairman, Dennis Colliton who is here from NDSU was the first person in North Dakota to suggest that I run for office - you have him to blame.

I would respectfully request a DO PASS recommendation for HB 1204.

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*Dennis Colliton*  
Operator's Signature

10/2/03  
Date



*Landscape Architects*



"Mark Johnson"  
<mark@sta612.com>

01/17/2003 09:37 AM

To: bstaiger@earthlink.net, jwelch@yhr.com, tflakoll@state.nd.us,  
cnelson@state.nd.us, skeleh@state.nd.us, mekstrom@state.nd.us  
cc:  
Subject: I support House Bill 1204, Landscape Architecture licensing

Hello,

My name is Mark Johnson, and I am a project manager with Shultz Torgerson Architects in Fargo. I wanted you to know that I support the bill to include licensing of Landscape Architects in the state of North Dakota. It is unfortunate that it has taken this long for someone to realize the value Landscape Architects can add to the built environment, so making them "official" in this state is the right thing to do.

Thank you,

Mark Johnson

Shultz Torgerson Architects  
612 1/2 Main Avenue  
Fargo, ND 58103

701-476-0714 Phone

701-476-0709 Fax<?xml:namespace prefix = o ns =

"urn:schemas-microsoft-com:office:office" />

mark@sta612.com

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*Donna Baller*  
Operator's Signature

10/2/03  
Date



Matthew Chambers  
<mchamber@aldevron.  
com>

To: mekstrom@STATE.ND.US  
cc:  
Subject: My thoughts on House Bill 1204

01/15/2003 03:41 PM

LA Bill

Hello Representative Ekstrom.

My name is Matthew Chambers, I helped establish and currently work with a young Fargo biotech company called Aldevron. I just wanted to drop you a line expressing my interest in House Bill 1204. I believe this bill will give Landscape Architects the recognition they deserve to practice in our state. As you probably know, 47 other states have adopted similar codes. I for one would not like to see ND be the last state to get on board. Considering that NDSU has the only Landscape Architecture Bachelors program in a 5 state area, the potential to retain the graduates of this program seems reason enough to adopt this bill. On top of that, registered Landscape Architects will have more of a reason to move their business back to the state. Possibly the most compelling reason this bill appeals to myself as a young business owner is the beautification of our environment and the professionalism and guidance Landscape Architecture can bring to our rapidly growing community.

Thank you for your time, and good luck with this bill!

Matthew Chambers

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Deanna G. Ball  
Operator's Signature

10/2/03  
Date



"Mike Allmendinger"  
<mike@mapleriverworkshop.com>

01/14/2003 07:53 PM

To: <mekstrom@state.nd.us>, <skelsh@state.nd.us>,  
<tmathern@state.nd.us>

cc:

Subject: House Bill 1204

#### House Bill 1204

I'm a graduate with a Bachelors of Landscape Architecture from NDSU and I want to continue living in North Dakota.

I grew up in a family owned Landscaping business located in Wahpeton, ND, graduated at NDSU in 1998 with a Bachelors of Landscape Architecture and have lived in ND since graduation. I cannot become a licensed Landscape Architect in ND until House Bill 1204 is passed. This Bill is critical for my future career and opportunity to live in the state of ND.

Graduating students in Landscape Architecture from NDSU that want to stay in ND are being forced to leave the state so they can become licensed.

Currently for a graduate to become a licensed Landscape Architect, they need to leave ND and work in Minnesota, Montana, South Dakota or one of the 47 states that have licensure of Landscape Architects.

I value the quality of life that North Dakota offers me and I believe that there are great opportunities for Licensed Landscape Architects in ND. House Bill 1204 creates opportunities for all Landscape Architecture students and myself to work and live in the state.

I encourage your support for House Bill 1204.

Mike Allmendinger  
Maple River Workshop  
812 1/2 Main Ave.  
Fargo ND 58103  
Phone: 701.729.9449  
e-mail: [mike@mapleriverworkshop.com](mailto:mike@mapleriverworkshop.com)

Home Address  
1415 West Gateway Circle, #17  
Fargo ND 58103

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*Donna G. Smith*

Date

10/2/03



Chad Oban  
<coban@demnpl.com>  
>

01/14/2003 10:18 AM

Please respond to  
"coban@demnpl.com"

To: "tboe@state.nd.us" <tboe@state.nd.us>,  
"mekstrom@state.nd.us" <mekstrom@state.nd.us>,  
"ethorpe@state.nd.us" <ethorpe@state.nd.us>,  
"szaiser@state.nd.us" <szaiser@state.nd.us>

cc:  
Subject: HB 1204

I received an email from a friend who is graduating later this year with a degree in Landscape Architecture from NDSU. He sent me some information on HB1204 which would allow Landscape Architects to become licensed. The bill which is sponsored by Democrats Mary Ekstrom, Scot Kelsh and Ron Nichols sounds like a really common sense bill that will level the playing field for North Dakotans choosing this field. Following is some comments from the email I received.

"The North Dakota Legislature is very interested in finding ways to keep young professionals (graduate Landscape Architects) in the state. Without licensure possibilities most graduates leave the state to become licensed in another state. You should be able to become licensed in North Dakota. This law will allow that to happen beginning July 2003.

Landscape Architects should be allowed to have the same professional credentials as architects and engineers in North Dakota since their degree requirements are easily as challenging as those fields. The lifetime earnings of a Registered Landscape Architect are two times that of an unlicensed landscape architect or landscape designer."

Personally I know nothing about Landscape architecture however when I see that we can take this one small step in North Dakota to try to keep some of these young professionals in the state it makes sense. Anyway the bill is in IBL committee and I hope you can support it. Please if possible keep me up to date on the status of this bill. Congrats Mary for sponsoring this bill.

Chad Oban  
North Dakota Dem-NPL

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*Deanna Hall*  
Operator's Signature

10/2/03  
Date

**HDA**

LANDSCAPE ARCHITECTURE  
PLANNING  
WORKS & RECREATION DESIGN

**HANSON DESIGN ASSOCIATES**

1001 Westrac Drive  
Fargo, North Dakota 58103  
(701) 298-8392 Phone / Fax

Jim Hanson,  
Landscape Architect

HB 1204 - To include the registration of Landscape Architects by the Board of Architecture

What is a Landscape Architect and what do they do?

1. A Landscape Architect is a technical professional that deals with site development.
2. We work in the planning and design of land for human use and enjoyment.
3. We provide overall plans and landscape project designs for integrated land use...in conjunction with other consultants when appropriate.
4. Landscape Architecture requires a general knowledge of grading, soils, erosion, layout, construction materials, detailing, plants, irrigation and environmental conditions.
5. Most Landscape Architects tend to specialize in areas based on their experiences.
6. We receive consultant fees for our services and the size of our projects can range from a few hundred dollars into the millions.

Why we need licensing of Landscape Architects.

'To Protect the Health, Safety and Welfare of the Public.'

1. Licensing of Landscape Architects protects the public at large.
  - a) The primary focus of a Landscape Architect is to create ways in which people can safely interact with their outdoor surroundings. Compliance with CPSC, UBC, ADA etc.
2. Licensing ensures consumers of services by Landscape Architects.
  - b) Establish regulations and enforcement procedures that protect consumers from incompetent and dishonest practitioners.

What would licensure of Landscape Architects mean?

1. Minimum training and passage of a national licensing exam.
2. Guidelines for the practice of Landscape Architecture.
3. Means by which complaints can be filed and investigated.

How will licensing of Landscape Architects help North Dakota?

1. Provides more opportunities by which college graduates can stay in North Dakota to receive training under the guidance of a licensed Landscape Architect, pass the exam, receive licensure and practice.
2. Provide a pool of legitimate ND licensed Landscape Architects to work on many large projects inside North Dakota and other states that requires a (registered) Landscape Architect.
3. Help keep work within ND that sometimes goes to out of state Landscape Architectural firms.
4. By recognizing the practice of Landscape Architecture through registration, you are opening the door for people who left the state to obtain licensure, to return and practice.
5. Maintain standards through registration for out-of-state Landscape Architects practicing in ND.

Who should not be affected?

1. Landscape Designers who primarily deal with plantings.
2. Other technical consultants that also provide overlapping site design services.

HB1204 would amend the existing registration law for the complimentary profession of Architecture. Landscape Architects would be contributing fees to an existing licensing board.

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*Deanna Hall*  
Operator's Signature

10/2/03  
Date

# NDSU

## NORTH DAKOTA STATE UNIVERSITY

701.231.8614

Fax 701.231.7342

Department of Architecture and Landscape Architecture

College of Engineering and Architecture

P.O. Box 5285

Fargo, ND 58105-5285

January 21, 2003

Honorable George Keiser, Chairman and Industry, Business, and Labor Committee Members  
58<sup>th</sup> Session of the North Dakota Legislation

RE: *Support of House Bill 1204 Licensure of Landscape Architects*

Mr. Chairman and Members of the Committee:

As a Landscape Architect and landscape architectural educator in North Dakota, I would ask for your support of House Bill 1204, to allow Landscape Architects to become licensed professionals in North Dakota. A series of efforts have been made in the past for registration of Landscape Architects in North Dakota. In 1984 and 1985 a group of Landscape Architects from Bismarck and Fargo was formed to promote licensure of Landscape Architect. A Bill sponsor was not found for the 1985 session. Activities were renewed in 1988 with discussions with our architecture and engineering colleagues. Introduction of a Bill was delayed during the 1989 legislative session to determine the best approach for creating a board for architecture and landscape architecture. There was little progress in resolving the board issue until 1998 when another Bill was drafted for the 1999 session. This Bill was withdrawn based on a request from the State Board of Architecture's concerns over the legislative changes to their current Law. In 2001 another Bill was considered but the board issue remained. In 2002 it was decided that the registration of Landscape Architects needed to move forward. The time is right and the benefits of licensure are very important to many young professionals within the state.

I would like to stress that many young professionals trained as landscape architects are leaving North Dakota because without a license they judge their careers will be severely limited over their lifetimes. These graduates know that architects do very well in North Dakota after graduation. They recognize that part of the great success architects achieve is a positive professional status within their communities - namely a Registered Architect. The same professional credential is available for graduate engineers within North Dakota. It is time to allow professionally trained landscape architects to become Registered Landscape Architecture in our state.

A Bachelor of Landscape Architecture is a five year professional degree offering. Students within the curriculum are required to complete many of the same courses as their architectural counterparts. But upon graduation they are not allowed the similar professional credential - registration as a Landscape Architect. Professional registration is important to a young professional after a difficult and demanding professional degree program. Currently, North Dakota offers no hope for a professional credential available in 46 other states. Minnesota, South Dakota, and Montana as well as Manitoba and Saskatchewan all require professional registration of Landscape Architects. Graduates of North Dakota's Bachelor of Landscape Architecture program leave our state for other states in high numbers each year to accept well-paying positions in firms that will allow them to become Registered Landscape Architects.

North Dakota's Landscape Architecture graduates accept positions in landscape architecture firms, architecture firms, engineering firms, state & federal agencies, city parks departments, city planning offices, and many other variations throughout the country. But few graduates market these same professional firms and agencies in North Dakota because they cannot become Registered Landscape Architects. If professional registration does become available to North Dakotans I believe the number of well-qualified Landscape Architects will increase dramatically throughout the state. In states where licensure is available there is a ratio of one Landscape Architect for every four Architects. In North Dakota that ratio is very different at present, mostly because registration is not available to these talented individuals.

Currently, in the state of North Dakota a professionally trained Landscape Architect cannot legally use the word 'architect or architecture' to describe or advertise the full range of services provided. North Dakota's Architecture Law prohibits the use of these words. This prevents qualified graduates and professionals from providing a full range of services.

Sincerely,

  
Dennis Colliton, FASLA  
Director of Landscape Architecture  
NDSU

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10/2/03  
Date

Paul Guye

**Reasons to support Landscape Architecture Licensure  
In North Dakota**

January 20, 2003

North Dakota is one of several states where landscape architecture is not a licensed profession, and Vermont and New Hampshire currently have legislation moving through their state's legislative houses. This has several negative consequences and, so far as I can tell, no positive consequences. North Dakota architecture firms in particular would benefit from landscape architecture licensure. Here is why:

1. Out-of-state landscape architecture firms are already doing major work in North Dakota. All of this money goes out of state and employs nobody in North Dakota. North Dakota architecture firms cannot compete for this work because they have no landscape architects on staff. Some recent examples:

- **Great Plains Software Landscape Complex (MicroSoft), Fargo.** Terry Harkness Landscape Architects, Urbana, Illinois.
- **Downtown Fargo Master Plan.** The contract went to Dahlgren Shardlow and Uban, a Minneapolis, Minnesota landscape architecture firm.
- **Bismarck Streetscape Improvements.** The contract went to Dahlgren Shardlow and Uban, Minneapolis, Minnesota.
- **Devils Lake Streetscape Improvements.** The contract went to Dahlgren Shardlow and Uban, Minneapolis, Minnesota.
- **WestSide Centre Master Plan, Fargo.** The contract went to Westwood Professional Services, an Eden Prairie, Minnesota, landscape architecture firm.
- **Broadway Streetscape Improvements, Fargo.** The contract went to the Ciaccio Dennell Group, landscape architects in Omaha, Nebraska.
- **North Dakota Bikeway along the Lewis and Clark Trail, statewide.** The contract went to TSP Three, a multidisciplinary firm in Rapid City, South Dakota.
- **Williston, North Dakota, Park Improvements.** The contact went to Wyss Associates, a landscape architecture firm in Rapid City, South Dakota.
- **Dickinson, North Dakota, Streetscape Improvements.** The contact went to Fisher Construction, a multidisciplinary firm in Billings, Montana.
- **North Dakota Interstate Rest Areas, for the North Dakota Department of Transportation.** The contract went to Damon Farber Associates, a landscape architecture firm in Minneapolis, Minnesota.
- **North Dakota State Capitol landscape improvements, Bismarck.** The contract went to a landscape architecture firm from Iowa.
- **Downtown Plaza, Grand Forks.** The contract went to a Bemidji, Minnesota, landscape architecture firm.
- **Pembina and Dunselth, North Dakota, International Border Stations site design.** The contract went to Hilderman Thomas Frank and Cram, a Winnipeg, Manitoba, landscape architecture firm.
- **Sheyenne National Grasslands Management Plan.** The contract went to a Denver, Colorado, landscape architecture firm.
- **Theodore Roosevelt National Park Management Plan.** The contact went to Jones and Jones, a landscape architecture firm in Seattle, Washington.

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- International Peace Garden Music Camp, Dunseith, North Dakota. The contract went to Hilderman Thomas Frank and Cram, Winnipeg, Manitoba.
- International Peace Garden Interpretive Center, Dunseith, North Dakota. The contract went to Gaboury Prefontaine Perry, a Winnipeg, Manitoba, landscape architecture firm.

Every major landscape architecture contract in North Dakota goes to an out-of-state firm. The number of North Dakota firms undertaking such projects in North Dakota is currently **ZERO**. Because North Dakota does not recognize landscape architecture as a licensed profession, the state has no firms specializing in such work.

Why should local firms continue to be excluded from such work?

2. Architecture projects in North Dakota are sometimes granted to out-of-state architecture firms. So what is the difference here between architecture and landscape architecture? North Dakota architecture projects undertaken by out-of-state firms normally include a local associate architect. Landscape architecture projects are usually carried out with no local associate, because landscape architecture is not a recognized profession in North Dakota.
3. Federal Government regulations call for landscape architects licensed in the state they reside, in order to work on Federal projects. Since North Dakota has no licensure, North Dakota landscape architects cannot be licensed in the state they reside. Therefore it is impossible for the Federal Government to hire a North Dakota landscape architect to work on Federal projects.
4. Were landscape architecture a licensed profession in North Dakota, North Dakota architecture and landscape architecture firms could compete for work in Minnesota. Currently no North Dakota firms compete for landscape architecture work in Minnesota because landscape architecture is not a recognized profession in our state.
5. It is estimated that H.B. 1204 would require about 20 additional persons in North Dakota to be licensed. These additional 20 landscape architects would pay into the State Board of Architects without incurring any additional costs for the Board. Thus it would provide an economic advantage to the State Board. Currently the eleven landscape architects practicing in North Dakota pay no fees to the state. However they do pay fees to surrounding states such as Montana and Minnesota to maintain their licensure in those states.

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**NDSU**

**NORTH DAKOTA STATE UNIVERSITY**

Office of the Dean - College of Engineering and Architecture  
P.O. Box 5285  
Fargo, ND 58105-5285

701.231.7028  
701.231.7494  
Fax 701.231.8957

January 19, 2001

The Honored Members of the Industry, Business, and Labor Committee  
House of Representatives  
58<sup>th</sup> Session of the North Dakota Legislative Session

RE: *Support for House Bill 1204*

Dear Legislative Leaders:

I would like to encourage your support and passage of House Bill 1204 that is based on the licensure of landscape architects. As you are aware North Dakota is one of only several states not requiring the professional registration of landscape architects. Our graduates of a five-year professional curriculum in Landscape Architecture should be allowed to receive the same professional credentials as architects and engineers after completing their professional registration examinations in North Dakota.

I believe an ability to become a Registered Landscape Architects in our state will encourage many of the talented young professionals to remain in our state. Their future contributions to the quality of the native and urban landscapes and environments will be of great value to the citizens and our state.

I hope your support of this pending legislation will lead to the enactment of a registration law for landscape architects. It will undoubtedly offer great advantages to the people and the state as well as provide opportunities for recent landscape architect graduates throughout the state of North Dakota.

Sincerely,



Dr. Otto Helweg  
Dean

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Towner State Nursery  
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**NDNGA Office-**  
Mary Holm,  
Executive Director  
PO Box 34  
627 East 6<sup>th</sup> St.  
Nespe, ND 58265  
701-886-7673  
Fax - 701-886-7660

## North Dakota Nursery & Greenhouse Association

PO Box 34, Neche, ND 58265 701-886-7673 Fax - 701-886-7660

January 21, 2003

Industry, Business and Labor Committee  
North Dakota Legislature  
Peace Garden Room  
State Capital  
Bismarck, North Dakota

### House Bill 1204

Mr. Chairman and Members of the Committee:

The Board of Directors of the North Dakota Nursery and Greenhouse Association represents 154 members that are involved in the nursery and greenhouse industry in North Dakota. Our mission is to promote horticulture related businesses and activities through educational efforts including member interaction, seminars, publications, trade shows, and field trips.

The purpose of this letter is to support House Bill 1204 which would allow North Dakota to license landscape architects. To obtain a license at this time, graduates from North Dakota must become a resident of Minnesota or some other state that will grant a license. North Dakota is one of only a few states that do not offer a license. This severely reduces the number of landscape architects in North Dakota. Some construction projects, such as projects on the federal air bases, require licensed landscape architects. This often results in contracts going to out of state firms. The nursery and greenhouse industry is concerned because these plans, developed by out of state firms, often specify plant material and designs that are not suited to local conditions. If our members get the bids to provide the landscape installation for these projects, the work orders must be modified to correct mistakes in the original plan. When dealing with out of state landscape architects, there is little opportunity for our industry to provide input or comment on these landscape projects.

North Dakota should be able to offer graduating landscape architects the opportunity to be licensed in our state. This bill is essential if we want to keep our graduating landscape architects in North Dakota.

The Board of Directors of the North Dakota Nursery and Greenhouse Association encourages you to give this bill a due pass recommendation.

Sincerely,

Roy Laframboise  
President

Operator's Signature

10/2/03  
Date

January 21, 2003

Honorable George Keiser, Chairman  
Industry, Business, and Labor Committee  
58<sup>th</sup> Session of the North Dakota Legislator

**RE: SUPPORT OF HOUSE BILL 1204 LICENSURE OF LANDSCAPE ARCHITECTS**

Mr. Chairman and Members of the Committee:

As President of North Dakota State University's student chapter of the American Society of Landscape Architects I would request your full support of House Bill 1204.

As a Landscape Architecture student I recently had the opportunity to be a part of North Dakota's first design team visit to Watford City in western North Dakota. The design team was comprised of Professional Architects and Landscape Architects and students studying to be Landscape Architects and Architects. The design team visit focused on issues present in many small towns, like: revitalizing main street development, reviving community ideals, attracting new business, and creating an environment that will draw new residents and sustain the city. The feedback we, the design team, received from the community was very positive and thankful that we were there helping the community.

Registered Landscape Architects would bring knowledge and experience to the state that could benefit all communities, regardless of size. Without having the opportunity to get a professional license there is little incentive to be a Landscape Architect and live in North Dakota. For three years I have watched many talented graduates receive their professional degree and leave North Dakota in order to pursue careers in other states. I have worked for the North Dakota Department of Transportation for the past two summers on Interstate Enhancement Projects throughout North Dakota and, if there was an opportunity for Licensure, would definitely want to continue working in North Dakota. I know many North Dakotans in the Landscape Architecture program that would love to apply their training and knowledge in this state. Unfortunately, like my other classmates who want to implement their Landscape Architecture degree and continue with their professional development, I will have to leave North Dakota after graduation if I ever want to be a Licensed Landscape Architect.

Respectfully,



Aaron Olsen  
President of the American Society of Landscape Architects, NDSU student chapter

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Date

# Bill aims to retain landscape architect grads

## N.D. one of four states that doesn't license profession

By Mike Nowatzki  
nowatzki@tcn.com

Graduates of North Dakota State University's landscape architecture program would likely stay in North Dakota if the state licensed their profession, say supporters of a bill before the Legislature that would do that.

House Bill 1204 would require anyone practicing landscape architecture in the state to be registered with the Board of Architecture.

Rep. Scott Kelsch, D-Fargo, a 1994 graduate of NDSU's architecture program, said landscape architecture students go through the same rigorous five-year program as architecture students.

"And for North Dakota not to recognize that as a professional degree hurts our students who want to stay here," he said.

Kelsch sponsored the bill with Rep. Mary Ekstrom, D-Fargo, and Sen. Ronald Nichols, D-Palermo, at the request of NDSU. The House

**Saving North Dakota**  
To read online and chat:  
[www.nd-forum.com](http://www.nd-forum.com)

Industry Business and Labor Committee will hear testimony on the bill today.

The bill also would prohibit use of the title "registered landscape architect" by any unregistered person. Applicants for registration would pay a fee of not more than \$100 and would have to meet standards adopted by the Board of Architecture.

North Dakota is one of four states with no certification program for landscape architects, the others being Colorado, Vermont and New Hampshire.

The North Dakota chapter of the American Institute of Architects opposes piggybacking the licensing program on the current statute used to grant licenses to architects.

"We're not opposed to the licensing of landscape archi-

ects, but we have reservations with adding that to the state Architecture Board," he said. The three-member Board of Architecture planned to take an official position on the bill before today's hearing, said member Richard Nester of Minot.

Nester said the board is concerned if the licensing standards will be compatible with other states, and about the costs of monitoring the licensees. Under the bill, the Board of Architecture would be responsible for disciplining landscape architects.

"There are a lot of unanswered questions right now," Nester said.

Being licensed is important to landscape architects who must compete for projects that overlap with other fields, such as civil engineering or road design, said Julia Lent, manager of state government affairs for the Washington, D.C.-based American Society of Landscape Architects.

Only one or two of the 14 to 16 students who graduate from the NDSU program in 1997 said he was forced to leave the state for an internship at a licensed landscape architecture firm in California. He returned to Fargo in 1997 and now runs his own firm.

A licensing program in North Dakota would give the profession more recognition and eventually expose students to a broader range of landscape projects, he said.

"They're not getting the experience they need to pass the exam," said Hanson, who holds licenses in California, Minnesota and South Dakota. Miriam Kline, a fifth-year NDSU landscape architecture student from Cavalier, N.D., said he wants to stay in the



Joshua Walter speaks with student Andrea Carlson in a introductory landscape architecture class Tuesday.

Midwest and is looking at jobs in Wisconsin or Michigan, where he can get licensed. "I think that if keeping people in the state," he said.

Walter can reach Nester at 701-281-6888.

## Fargo company being sued in worker's death

Forum staff reports against the Fargo company, which owns and operates a concrete bridge beam system that had stretched cables in the center of its framework when a cable failed. The defective cable struck Cleveland in the head, the suit says.

The lawsuit, filed Tuesday in Cass County District Court, claims Fargo Tank and Steel Co. is responsible for the death of 21-year-old Dylan Cleveland of Bismarck.

The man's mother, Sheila Cleveland, filed the suit products.

Cleveland had been working on a bridge beam system that had stretched cables in the center of its framework when a cable failed. The defective cable struck Cleveland in the head, the suit says.

"This particular cable was defective and unreasonably dangerous," the suit says. "The product also lacked sufficient warnings and instructions."

The Bismarck County Sheriff's Department said Cleveland died of blunt force trauma to the head.

Mandan Steel Fabricators amount of money.

## CELEBRATE THE 30TH ANNIVERSARY OF ROE V. WADE!

Donate to the WIN Fund!

The ND Women in Need Abortion Access Fund was established in January 1999 to assist the women of ND and SD who have a financial need and are seeking services at the Red River Women's Clinic. The fund is a "safety net" for women who would otherwise be

## Digest

### Fargo man appears on assault charges

A Fargo man faces four criminal charges, including three felonies, after a woman told police that he cut her with a knife.

Perhat Begonovic, 44, 1806 13th Ave. S., made his first appearance in Cass County District Court on felony charges of aggravated assault, terrorizing and assaulting a police officer.

If convicted, each carries up to five years in prison.

Begonovic also faces a simple assault charge carrying a maximum 30-day jail term. John Ivey set bail at \$2,500 for Begonovic.

Court records that police went to Ivey's house after receiving a sturbance call.

Officers said he threatened a

### Authorities still searching mine

RIVINGTON, Minn. — A search of an old mine pit where an accused killer said he dumped the body of a 21-year-old missing Brainerd woman, came up empty.

But authorities said they still believe they'll find Erila Delquist.

## AIA North Dakota

A Chapter of The American Institute of Architects



### Testimony in Opposition to HB 1204

Chairman Keiser and members of the Committee,

My name is Bonnie Larson Staiger, Executive Director of AIA North Dakota.

Traditionally, licensure is reserved by the legislature for professions that, if unregulated, pose a serious threat to the public health, safety, and welfare. AIA holds that in the building industry the services of architects *directly* and *significantly* affect those public protections.

Whether the regulation of landscape architecture meets those criteria is arguable. Although we do not oppose landscape architects seeking licensure in North Dakota, we do not support inclusion or "piggybacking" on the current statute licensing architects. If landscape architecture is a profession distinct from architecture as claimed, it should be licensed with its own statute under Title 43.

Further, the majority of our Board and Government Affairs Committee are adamant that this effort will ultimately restrict architects, nurseries and others from specifying landscape elements and site planning that has historically been a part of their practice or business.

We have been disappointed to bear the inconsideration and expense of not being informed of the intent to submit this legislation by the landscape architects. If we had been consulted, our concerns could have been addressed prior to the legislative session and we would have encouraged a separate statute right from the start. This blindsiding has also left us to repair an unfortunate wedge that has come between groups who should be colleagues.

On to the bill which as written, has serious flaws. It seems like one of those simple housekeeping things because, on the surface, it does 3 minor things:

- Adds the title of landscape architects into the definitions. But the bill fails to define what a landscape architect is.
- Refers to (on bottom of page 1, line 22) *Practice of landscape architecture- fees - discipline*. But the bill fails to define what that practice is.
- Finally, it "plops" an arbitrary licensing fee for landscape architects into the existing statute which currently and extensively regulates architecture's responsibility in the building industry.

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Operator's Signature

Date

And that is the end of the bill. Clearly, it doesn't mesh with the rest of the statute—and the statute does not support the proposed changes. It is sort of like being given a pair of shoes and being told to wear them. Never mind that shoes are a pair of size 6 high heels.

Finally if this bill passes, the monetary costs of regulation, including the re-establishment of the state board, and re-writing the statute, which will inevitably come next session and the session after that, outweighs the perceived benefits and will put an additional financial burden on architects who must share in the responsibility to keep the board solvent.

*AIA North Dakota is the professional association representing architects and interns throughout the state. In addition, Allied members may include photographers, contractors, building material suppliers, and interior designers. Based in Bismarck, the organization strives to promote design excellence in the built environment.*

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Deanna Holladay  
Operator's Signature

10/2/03  
Date

**Testimony in Opposition to House Bill No. 1204**

**House Industry Business & Labor Committee**

**January 22, 2003**

Chairman Keiser, House Industry Business And Labor Committee members, my name is Todd D. Kranda. I am an attorney with the Kelsch Law Firm in Mandan and I appear before you today as a lobbyist on behalf of the North Dakota Consulting Engineers Council (NDCEC) and the North Dakota Society of Professional Engineers (NDSPE) to express concern and opposition to HB 1204.

While NDCEC and NDSPE do not oppose the licensure of landscape architects we are concerned about the potential limitation of the area of practice when landscape architects define their field of practice. Currently, there is no definition found in law for the practice of landscape architecture. Neither Chapter 43-03 of the ND Century Code nor Title 8 of the ND Administrative Code defines landscape architecture.

HB 1204 prohibits anyone, other than a registered landscape architect, from practicing landscape architecture which again is not clearly defined as to the scope and extent of such practice. A broad interpretation or definition of landscape architecture could exclude professional engineers from reasonable engineering activities involving property surface projects that are presently being practiced such as drainage, reclamation, surfacing, sidewalk and trail design etc. HB 1204 could prohibit an engineer from performing landscape work incidental to other engineering work on a project. Further, it is uncertain how HB 1204 is necessary to protect the public health and safety. Accordingly, we urge a DO NOT PASS recommendation for HB 1204.

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*Todd D. Kranda*  
Operator's Signature

1/22/03  
Date



Representative Mary Ekstrom  
District 11  
1450 River Road South  
Fargo, ND 58103-4325

## NORTH DAKOTA HOUSE OF REPRESENTATIVES

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



COMMITTEES:  
Industry, Business  
and Labor  
Political Subdivisions

North Dakota Senate  
Political Subdivisions Committee  
Dwight Cook, Chairman  
HB 1204 / Registration of Landscape Architects  
March 13, 2003 / Red River Room

Good Morning, Chairman Cook and members of the Senate Political Subdivisions Committee. For the record, my name is Representative Mary Ekstrom and I serve District 11 in Fargo.

I am here to present HB 1204 which allows for registration of Landscape Architects in the state under the Board of Architecture.

NDSU has an established and accredited Landscape Architecture program which serves a five state area. In order for graduates of this five year program to become licensed, they must leave the state. Forty-six other states license landscape architects and I feel it is time for North Dakota to recognize this profession.

This bill has not traveled a easy path to this committee. The original form of the bill was far more simple granting the authority to the Board of Architecture to promulgate rules to establish registration and licensure for landscape architects. The House Industry Business and Labor Committee requested and adopted amendments to include: a definition of landscape architecture, exemptions for persons who would not be considered landscape architects (to allow landscapers, nursery workers and gardeners to operate without a landscape architecture license), language to define who may use the title landscape architect, application fees, qualifications, certificates of registration, penalties for non-payment of fees and the power to revoke registration.

This licensing and registration process has been discussed for a very long time starting in 1989. You will hear testimony regarding the areas of difference and agreement. My point in bringing the bill was to ensure that our students of landscape architecture and the professionals who are presently practicing in the state would be recognized and licensed.

No matter what form HB 1204 finally takes, I will be available to the committee to help draft changes and work out any problems we may still have.

I would respectfully request a DO PASS recommendation for House Bill 1204. Mr. Chairman, I would be happy to walk the committee through the bill and to answer your questions.

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*Dorinda Hall*  
Operator's Signature

10/2/03  
Date



March 25, 2003

Senator Dwight Cook  
NORTH DAKOTA STATE LEGISLATURE  
State Capitol  
Bismarck, ND

Dear Senator Cook:

The undersigned, as representatives of the groups most directly affected by Engrossed House Bill 1204, have met and formulated acceptable Amendments to all. This is to resolve the remaining issues after the March 13, 2003 Senate Political Subdivision Committee hearing.

We hereby enclose those Amendments drafted by Legislative Council for your Committee's action. We request that Engrossed House Bill 1204 with the attached Amendments be forwarded to the full Senate from your committee with a "Do Pass" recommendation.

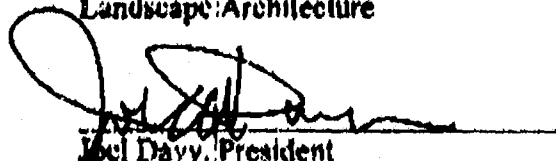
We are sending a copy of this letter and attachments to the HB 1204 sponsors. Provided that the Senate passes this Bill with attached amendments, we also request HB 1204 sponsors' endorsement of the House concurrence with the Senate's version.

We appreciate your patience with us while we communicated and resolved our respective positions.

Sincerely,

  
Dr. Paul Gleye, Department Chairman  
NDSU Department of Architecture &  
Landscape Architecture

  
Dennis Colliton, FASTA  
Landscape Architect

  
Joel Davy, President  
North Dakota American Institute of Architects

  
Ricky L. Engbretson, Member  
North Dakota State Board of Architects

Enc

Co: Representative Mary Heckstrom  
Keith Bjerke, Vice President, NDSU  
North Dakota American Institute of Architects  
North Dakota State Board of Architects

## AIA North Dakota

A Chapter of The American Institute of Architects



### Testimony regarding HB 1204

Chairman Cook and Members of the Committee,

My name is Bonnie Larson Staiger, Executive Director of AIA North Dakota.

#### POSITION:

While AIA North Dakota does not oppose landscape architects seeking licensure in North Dakota, our preference is, and has historically been, that they be licensed with their own statute under Title 43 rather than "piggybacking" on the current statute licensing architects.

#### BRIEF HISTORY:

In 1998, 2 landscape architects approached the AIA seeking support for licensure under our title law. Our executive Committee asked them to pursue separate registration because of concerns about opening our registration act and the delicate nature of gaining legislative support over the long haul. (See Attachment #1) We also offer a similar letter from the State Board of Architecture stating their concerns and their decision not to support inclusion in the architect's registration law. (See Attachment #2) Since that time AIA North Dakota has not been approached by the landscape architects and our position has not changed.

#### THIS SESSION:

During the first hearing in the House, significant opposition was raised by the AIA, the Engineers and the respective regulatory boards for those professions in part because NONE of these entities were consulted about this initiative and we were all taken by surprise when the bill was introduced. Additionally, the bill was problematic from everyone's perspective. The House committee made it clear that no new licensing bills would be considered yet it was the committee's intent to endorse this initiative and the architects were the best marriage - albeit with a shotgun.

Many question whether this group might be better paired with the civil engineers but there was no time to explore that option with Crossover upon us. As a result, a coalition of architects, engineers and their respective registration boards worked to draft a Resolution which would give everyone 2 years to work out a comprehensive bill in everyone's best interest that could be presented in the 2005 legislature. While we all agreed to pursue that goal in good faith, the landscape architects chose not to participate. Thus HCR 3070 was

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introduced to the same House Committee and we were summarily dismissed. (See Attachment #3)

**TODAY:**

It was clear that 1204 was being imposed on us and we needed to offer amendments that could make the situation palatable. As a result, the coalition worked at length to address the issues and we offer them today in the spirit of cooperation and good faith. (See Attachment #4) We made sure the proponents had the amendments within a day of our receiving them.

**AMENDMENTS OFFERED (Prepared for Sen. Tim Flakoll):**

In essence, these amendments offer resolution to the

- overlapping practice concerns of the engineers and the State Board of Professional Engineers & Land Surveyors
- regulatory concerns and unfunded mandate imposed on the State Board of Architecture
- architect's concerns that they will have to bear the cost to license this group through an increase in their own registration fees

**IN CONCLUSION:**

AIA North Dakota does not oppose the registration of landscape architects and will support HB1204 if the coalition amendments are included in the end. It is our hope that the collegial relationship between the professions can be restored.

*AIA North Dakota is the professional association representing architects and interns throughout the state. In addition, Allied members may include photographers, contractors, building material suppliers, and interior designers. Based in Bismarck, the organization strives to promote design excellence in the built environment.*

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*Donna Hallmark*  
Operator's signature

10/2/03  
Date

## AIA North Dakota

A Chapter of The American Institute of Architects

December 23, 1998



Mr. Jim Hanson  
Hanson Design Associates  
112 Nodak Drive, #120  
Fargo, North Dakota 58103

RE: Proposed LA Registration

Mr. Hanson:

It is our understanding that you desire to pursue formal licensure registration for landscape architecture in the state of North Dakota.

At a recent Board meeting, the subject was discussed; it is our understanding that you desire to attach this to the current legislation in the North Dakota Century Code covering the licensure of architects. It is the feeling of the Board that you should pursue this at this time as a separate registration requirement, as we have serious concern about opening our current registration law. There are always those that take that opportunity to dilute what we currently have. We have made several attempts, in two legislative sessions starting in '89, to rewrite our entire registration law, based on a model that virtually all other states have. We have not been successful at all; in fact, the second time we pulled it on our own because it was obvious we were heading down a very dangerous path, with modifications that were coming that we were not desiring.

We hope to begin the process to make another attempt in coming legislative sessions, in concert with the Board of Architecture. It is our feeling that we must start a year or two in advance of introduction in order to begin the process of lobbying for support long before the session starts. At that time, we could explore the potential of incorporating landscape architecture in that legislation.

Sincerely,

AWBW - Bismarck, P.C.

Donald R. Barsness, AIA

DRB/ps

cc: Board Members

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Bismarck, North Dakota 58501-0410  
701.223.5560

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Date

**N D S B A**

ND State Board of Architecture • 419 East Brandon Drive • Bismarck, North Dakota • 58501-0410 • 701-223-3184

Bonnie Larson Staiger  
Board Administrator

December 22, 1998

Mr. Jim Hanson  
Hanson Design Associates  
1112 Nodak Drive, #120  
Fargo, ND, 58103

Re: Proposed Landscape Architecture Legislation

Proposed legislation to include Landscape Architect Registration as part of the existing State Board of Architecture, Title 43-03 of the North Dakota Century Code, was reviewed by the North Dakota State Board of Architecture during a meeting of the board on Friday, December 18, 1998.

Richard Moorhead reported your indication that proposed legislation providing Landscape Architect Registration as part of the existing Architect Registration Law would not require addition of a Landscape Architect to the State Board of Architecture; would not require membership in CLARB; and would not require administration of the CLARB examination in North Dakota. Landscape Architects would be licensed by reciprocity with license holders from states requiring the CLARB examination.

After careful consideration, the board passed a motion to not support inclusion of Landscape Architect Registration as part of the existing Architect Registration Law at this time. Concern was expressed for the possible negative impact of exposing the existing law to review by those entities who have previously used introduction of housekeeping efforts as an opportunity to oppose the registration of licensed architects.

Additional concern was expressed regarding the present language of Draft #3, which at this late date does not include the language to support the concepts which you have outlined in your telephone conversation with Mr. Moorhead.

We respectfully request that you do not introduce the legislation in the 1999 legislature; and regretfully report that we will oppose the legislation if it is introduced at this time. We support the concept of licensure of design professionals and propose that we jointly explore the inclusion of Landscape Architect Registration in legislation that is expected to be introduced by the State Board of Architecture in future legislative sessions.

Sincerely,  
North Dakota State Board of Architecture

  
William Schoen, President

CC: Dennis Colliton

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## **DRAFT -- Study Resolution -- DRAFT**

A concurrent resolution directing the State Board of Architecture and the State Board of Registration for Professional Engineers and Land Surveyors to study the registration of landscape architects and the landscape architecture laws of other states.

**WHEREAS**, the practice of landscape architecture is currently being taught and is recognized as a professional service distinct from architecture;

**WHEREAS**, a degree is available and can be obtained for landscape architecture through a higher education program at North Dakota State University;

**WHEREAS**, a majority of other states have recognized landscape architecture;

**WHEREAS**, the law relating to the registration of architects, engineers and land surveyors contained in chapter 43 of the North Dakota Century Code does not provide for the recognition of and regulation of landscape architecture separately;

**WHEREAS**, any future practice of architecture, engineering, land surveying, and landscape architecture will require careful consideration of overlapping practice and practice distinct to each profession;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN;**

That the State Board of Architecture and the State Board of Registration for Professional Engineers and Land Surveyors to study the registration of landscape architects and the landscape architecture laws of other states; and

**BE IT FURTHER RESOLVED**, that the State Board of Architecture and the State Board of Registration for Professional Engineers and Land Surveyors report findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-ninth Legislative Assembly.

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FARGO, ND  
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P.O. BOX 10568  
SEDONA, AZ  
86339-0568

March 13, 2003

Chairman Cook and members of the Senate Political Subdivisions Committee.

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

The reason for my testimony today is my recent appointment to the North Dakota State Board of Architecture (NDSBA) effective March 15, 2003. I am not officially testifying officially as a NDSBA member, but rather as a future NDSBA member who must deal with what happens with Engrossed House Bill 1204 (HB 1204).

Furthermore, my testimony today neither speaks in favor nor against HB 1204. I am here to disseminate facts and options available to the NDSBA.

The following facts and personal opinions are as I gathered from research to prepare for my new Board duties, and are herein presented for this Committee's consideration of HB 1204 and any other appropriate amendments:

1. The NDSBA is only required to meet in April and October of any given year. Our next meeting is April 5, 2003.
2. The NDSBA establishes biennial fees for the Architects' License registration. At our April 5, 2003 meeting we will need to address the new Architects' License fees for July 1, 2003 through June 30, 2005.

701 . 293 . 5735 PHONE

701 . 293 . 5750 FAX

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3. The issue of Landscape Architecture Licensure enactment time is currently being addressed in Amendments offered to you today. However, as further factual information regarding the dates, please consider the following:
  - a. The NDSBA only has to officially address HB 1204 on the first board meeting after the Governor signs HB 1204 into law, which most likely will be the October 2003 NDSBA Board meeting.
  - b. Based on my research of previous NDSBA work to modify the Architect's Rules and Regulations, it will take a minimum of one year from the October 2003 Board meeting to establish the Landscape Architect's Administrative Rules.
4. The issue of Landscape Architecture Licensure associated costs to establish yearly or biennial Landscape Architect License fees are currently being addressed in Amendments offered today. However, as further factual information regarding the costs, please consider the following:
  - a. Based on my research with the help of NDSBA's Board Administrator, the yearly administrative costs will likely be in range as follows:

Council of Landscape Architecture

Registration Board (CLARB) dues	\$ 2,850 / \$ 3,850
CLARB Meetings(1mtg/2mtgs)	\$ 1,250 / \$ 2,500
Test Administration	\$ 500
Central Office Administration	\$ 3,200 / \$ 3,600
Legal	\$ 1,800 / \$ 2,000
Audits	\$ 400 / \$ 500
Printing	\$ 400 / \$ 500
Office Supplies / Postage	\$ 350 / \$ 500
Total Annual Costs	\$10,750 / \$13,950



- b. Based on my research of similar Landscape Licensure in other states, I found that South Dakota is almost a maternal twin to North Dakota. The facts from the US Census, the State of South Dakota Board of Technical Professions and the NDSBA are as follows:

	<u>North Dakota</u>	<u>South Dakota</u>
Population - 2000 Census	642,200	754,844
Income Per Capita	\$17,768	\$17,562
Land Area (SM)	68,697	75,886
Registered Architects (In State)	127	98
Registered Architects (Out-of State)	482	505
Registered Landscape Architects (In State)	??	6
Registered Landscape Architects (Out of State)	??	16

- c. The simple math to cover the projected \$10,750 / \$13,950 annual costs could be as follows:

	<u>Yearly Fee</u>	<u>Biennial Fee</u>
40 LA license applicants	\$ 270 / \$ 350	\$ 540 / \$ 700
30 LA license applicants	\$ 360 / \$ 460	\$ 720 / \$ 920
20 LA license applicants	\$ 540 / \$ 700	\$1,080 / \$1,400
10 LA license applicants	\$1,075 / \$1,400	\$2,150 / \$2,800

Senators, if you were an NDSBA Board Member and need to establish a set fee before you have a track record of how many applicants will apply each year, which of the above math formulas would you choose? Just as legislators need to reach a balanced budget, our Board also has a duty to develop a realistic and balanced budget.

Senators, if you were a Landscape Architect wanting to register in the State of North Dakota, at what yearly fee would you consider it not cost effective to be a licensed Landscape Architect?

- d. What hasn't been addressed in HB 1204, including its current amendments, is NDSBA's upfront costs for getting the Administrative Rules established, so that NDSBA can issue the first Landscape Architect's license and begin taking registrants' fees. The following is a partial/incomplete accounting from NDSBA's Board Administrator of items recently spent for the revisions of its Architects' Administrative Rules:

ND Newspaper Association	\$ 1,088
Office of Administrative Hearings	\$ 344
Printing and mailing	\$ 944
Attorney General	\$ 1,400
Asst. Attorney General	<u>\$ 8,400</u>
Approximate Cost to Date	\$12,176

#### Summary

I believe that no one here including the Landscape Architects feel that the Architects of North Dakota should have to subsidize the cost of Landscape Architect's Licensure.

So the issues for the Landscape Architects and Legislature to ponder are:

1. How much is the upfront costs to underwrite the Administrative Rules and who is going to pay for this?
2. How much is the cost to yearly administer the Landscape Architects and how many Landscape Architects are going to apply in the first three to five years?

As a future NDSBA member, I am worried that we are going to organize a dance as demanded, but the admission charge to the dance is so high, that not enough paying customers show up to cover the expenses.

*Dan Hall*  
Operator's Signature

10/2/03  
Date

Page five, Senate Political Subdivision Committee HB 1204 Testimony by Rick Engebretson,  
March 13, 2003

If the Senate's Political Subdivision Committee intends on forwarding HB 1204 with Amendments to the Senate for a Do Pass, I as a NDSBA member would appreciate adding amendment language, appropriately worded to say that

*"...adequate escrowed funds (public or private - approximately \$12,000) be made available to reimburse the NDSBA's documented costs associated with the establishment of the Landscape Architect's Administrative Rules. Furthermore, the NDSBA does not have to begin establishing the Landscape Architect Administrative Rules until the next semi-annual board meeting after such reimbursement funds are escrowed and made available, and the NDSBA has one year from said semi-annual board meeting to establish the Landscape Architect Administrative Rules and begin issuing Landscape Architect's Administrative Rules."*

Thank you for allowing me this time to address Senate Political Subdivision Committee on Engrossed HB 1204. I would be happy to answer any questions.

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*Deanna G. Ball*  
Operator's Signature

*10/2/03*  
Date

## Landscape Architecture LAW REGULATIONS

### I. Purpose

These regulations are promulgated by the Board of Landscape Architects under [cite act or statutes] for the purpose of protecting the public health, safety and welfare. These regulations contain the information necessary to become licensed as a landscape architect, or offer landscape architectural services as a business entity. These regulations also contain the standards of practice for landscape architects and possible sanctions to be rendered for failure to adhere to these standards.

### II. Severability

If any provision or application of these regulations is found to be invalid for any reason, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application, and therefore, the provisions of these regulations are declared to be severable.

### III. Compliance with ADA

The board and the North Dakota support and fully comply with the provisions of the Americans with Disabilities Act (ADA), 42 USC Section 12101 et seq. Contracts between the board, examination vendors, and examination administrators contain the necessary provisions for compliance with the ADA. Requests for accommodations must be in writing and received by the board at least 45 days before examination. The board may require a report from medical professionals along with supporting data confirming the nature and extent of the disability. It is the responsibility of the applicant to provide the required information in a timely manner. The costs of providing such information are the responsibility of the applicant. The board shall determine what, if any, accommodations will be made.

### IV. Definitions

As used in these regulations, the following terms shall have the following meanings unless the context or subject matter clearly requires a different interpretation. Any reference to gender throughout these regulations is intended to be gender neutral, i.e. "he" shall mean "he or she."

**Applicant** - An individual who has submitted an application for licensure to the board.

**CLARB** - The Council of Landscape Architectural Registration Boards, or its successor.

**CLARB Council Record** - Verified documentation of an individual's education, experience, examination, licensure and professional conduct compiled by CLARB.

**CLARB Certificate** - Certification by CLARB that a landscape architect has met the minimum standards of education, examination, experience and professional conduct established by the Council and is thereby recommended for licensure in all member jurisdictions.

**CLARB Standards of Eligibility** - Standards for education, experience, examination and professional conduct that are approved by CLARB's member boards and recommended to all member boards as the minimum standards for licensure.

**CLARB Uniform Continuing Education Standards** - Standards for content, structure and duration of continuing education that are approved by CLARB's member boards and recommended to all member boards as the minimum standards for licensure renewal.

**Direct control and personal supervision** - That degree of supervision by a landscape architect overseeing the work of another whereby the supervisor has been directly involved in all judgments affecting the health, safety and welfare of the public.

**Licensure examination** - The licensure examination for landscape architects prepared by CLARB.

**Principal** - An individual who is a landscape architect and is in charge of a business entity's landscape architectural practice.

**Responsible charge** - The direct control and personal supervision of the practice of landscape architecture.

**Seal** - A symbol, image, or information in the form of a rubber stamp, embossed seal, computer generated data, or other form acceptable to the board that is applied or attached to a document to verify authenticity of the document's origin.

### V. Fee Schedule

*Insert a list of fees charged by the board. It is recommended that fees that originate from outside of the board, such as exam fees, be listed as "cost to the board plus" \$XX "administrative fee." Such language eliminates the need to amend the regulations each time an external fee changes. It also prevents those situations where a board may be forced to subsidize a fee if it cannot change the regulations in time to account for a fee increase.]*

## **VI. Requirements for Licensure**

### **A. Standards**

To be granted a license, an applicant must be of good moral character and must demonstrate to the satisfaction of the board that the applicant has:

1. Satisfied the education and experience requirements established by the most recent CLARB Standards of Eligibility,
2. Successfully completed the licensure examination where the examination, administration and grading were conducted in accordance with CLARB standards at that time, and
3. A history of acceptable professional conduct as verified by employers and registration boards.

Applicants shall meet applicable entry requirements at the time the application is submitted to the board.

### **B. Application Procedures**

1. An applicant who is not licensed in any other jurisdiction shall submit an application to the board accompanied by the appropriate fee. Such application shall include a Council Record provided through CLARB. If the applicant has not passed the licensure examination, the applicant shall apply to CLARB to complete the examination process. Alternatively, at the discretion of the board, applicants may be admitted to the licensure examination upon demonstrating to the satisfaction of the board that they have successfully completed the education and professional conduct requirements for licensure. In such cases, the board shall establish deadlines for submission of an application for examination and shall provide instructions for examination administration. The board may permit an applicant to apply on other forms prescribed by the board.
2. An applicant who is licensed in another jurisdiction shall submit an application to the board accompanied by the appropriate fee. Such application shall include a Council Certificate furnished by CLARB. The board may permit an applicant to apply, without a CLARB Certificate, using other forms prescribed by the board.
3. Applicants who have been found ineligible for any reason may request further consideration by submitting written evidence of additional qualifications, education or experience. No additional fee will be required provided the requirements for licensure are met within one year from the date the original application was received by the board. After that period, a new application will be required.
4. The board may make further inquiries and investigations with respect to the qualifications of the applicant, to confirm or clarify information submitted. The board may also require a personal interview with the applicant.
5. Failure of an applicant to comply with a written request from the board within 60 days of receiving the notice, except where the board has determined ineligibility for a specified period of time, may be sufficient cause for disapproving the application.

### **C. Issuance of a License**

Upon review by the board of the applicant's satisfactory completion of all the licensure requirements, the board will issue a license. Each license issued by the board will be valid until the expiration date noted on the license.

## **VII. Requirements for a Certificate of Authorization for Business Entities**

### **A. Standards**

A business entity formed for the purpose of offering to provide or providing landscape architectural services is required to obtain a certificate of authorization from the board. Each business entity shall meet the following requirements:

1. Each business entity shall designate one or more licensed landscape architects as being in responsible charge of the landscape architectural services and decisions of the firm. In the case of multiple offices, each office shall have a designated landscape architect in responsible charge of that office.
2. Each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions shall file a notarized affidavit of responsibility with the board.

#### B. Application Procedures

A business entity shall submit an application to the board, accompanied by the appropriate fee. The application shall be on forms prescribed by the board and shall contain the following information:

1. Name and address of each partner, manager, officer, member, director or shareholder, indicating the professional status of each and their jurisdiction's license number.
2. Name and address of each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions.
3. Affidavit of responsibility from each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions.
4. A copy of the business entity's articles of incorporation, partnership agreement, limited liability operating agreement, or other document forming the business entity, and any amendments.

#### C. Issuance of Certificate of Authorization

Upon satisfactory completion of all application requirements, the board will issue a certificate of authorization. A certificate of authorization issued by the board shall be displayed at the business entity's principal place of business where the public can readily view it.

### VIII. Renewal, Reinstatement and Replacement

#### A. Change of Address

Any change of address shall be reported to the board, in writing, within thirty days of the change.

#### B. Expiration and Renewal of a License

1. Prior to the expiration date shown on the license, a landscape architect shall submit a renewal application and required fee to the board. The landscape architect must certify continued compliance with the Standards of Practice and Conduct and continuing education requirements as defined in these regulations. Upon satisfactory completion of all renewal requirements, the license shall be renewed for a twoyear period.
2. Failure to receive a renewal notice and application shall not relieve the landscape architect of the responsibility to renew. If a renewal notice is not received, the landscape architect may submit a copy of the license, the required fee, and a signed statement indicating that the landscape architect continues to comply with the Standards of Practice and Conduct and continuing education requirements.
3. The board may deny renewal of a license for the same reasons as it may refuse initial licensure or discipline a landscape architect.
4. If the renewal application and fee are not submitted to the board within 30 days following the expiration date noted on the license, a late renewal fee shall be required, unless reinstatement is required, as noted below.

#### C. Reinstatement of a License

1. If a license has been expired for six months or more, but less than four years, the landscape architect shall be required to submit a new application, which shall be evaluated by the board to determine if the applicant meets the renewal requirements. A reinstatement fee will also be required. In addition, the applicant must complete all delinquent professional development hours for one renewal cycle.
2. If the license has been expired for four years or more, the applicant will be required to submit a new application, meet current entry requirements, and submit the new application fee in addition to the reinstatement fee. The board may require the applicant to submit to all or parts of the licensure examination and/or complete all delinquent professional development hours required for at least one renewal cycle.
3. The board may deny reinstatement of a license for the same reasons as it may refuse initial licensure or discipline a landscape architect.
4. The date the renewal application and fee are received in the board office shall determine whether the license shall be considered for renewal or reinstatement.
5. A license that has been reinstated shall be regarded as having been continuously licensed without interruption.

#### D. Expiration and Renewal of a Certificate of Authorization

1. Prior to the expiration date shown on the certificate of authorization, a business entity shall submit an application for renewal and the required fee to the board. The application shall contain the following information:

- a. The name and address of each partner, manager, officer, member, director or shareholder indicating the professional status of each; and
  - b. The name and address of each landscape architect designated as being in responsible charge of the business entity's landscape architectural activities and decisions. If the designated landscape architect is not the same as indicated on the previous filing, the landscape architect shall file an affidavit of responsibility with the renewal application.
- Upon satisfactory completion of all renewal requirements, the certificate of authorization shall be renewed for a two-year period.
2. A certificate of authorization not renewed by the last day for the period for which it was issued is not valid after that date. Any renewal application postmarked after the last day will be returned.
  3. Any changes in the names and addresses of the partners, managers, officers, members, directors or shareholders, or the designated landscape architect, occurring between filing intervals shall be reported to the board within thirty days following such a change.
  4. An application for a new certificate of authorization is required from a business entity in the following situations:
    - a. The name of the business entity is changed.
    - b. The business entity has failed to timely renew the certificate of authorization in accordance with these regulations.

#### F. Replacement of a Certificate

Any landscape architect may obtain replacement for a lost, destroyed or damaged current certificate upon submission of a fee and a written statement indicating the nature of the loss, destruction or damage.

### IX. Continuing Education Requirements

A. Continuing education shall be completed in accordance with the standards set forth in the most recent CLARB Uniform Continuing Education Standards.

#### B. Exemptions

A landscape architect may be exempt, upon board review and approval, from continuing education requirements in any of the following situations:

1. The new landscape architect's first renewal period is less than two years from the original date of licensure.
2. A landscape architect is called to active duty in the armed forces for a period of time exceeding 120 consecutive days in a calendar year. This individual may be exempt from obtaining one-half of the required continuing education during that renewal period.
3. A landscape architect experiences physical disability, illness, or other extenuating circumstances that prevents the landscape architect from practicing landscape architecture. The landscape architect shall provide supporting documentation for the board's review and approval. If the landscape architect elects to return to practice, the landscape architect shall complete all professional development hours required for one renewal cycle, in addition to those required for the next licensure renewal.

#### C. Records

Each landscape architect shall maintain:

1. A log showing the subject and type of activity claimed, the sponsoring organization, location, duration and instructor's or speaker's name.
2. Documentation sufficient to prove completion of the activity claimed, such as attendance verification records, completion certificates or other documents;
3. Records for at least four (4) years; and
4. Copies of all records that may be requested by the board for audit verification purposes.

#### D. Audit

Upon request, each landscape architect shall provide proof of satisfying the continuing education requirements. If the landscape architect fails to furnish the information as required by the board or if the information is not sufficient to satisfy the requirements, the license shall not be renewed.

#### E. Disallowance

If the board disallows one or more continuing education activities claimed, the board may, at its discretion, allow the landscape architect up to 120 days after notification to substantiate the original claim or to complete other continuing education activities sufficient to meet the minimum requirements.

#### X. Standards of Practice and Conduct

##### A. Competence

1. In practicing landscape architecture, a landscape architect shall act with reasonable care and competence and shall apply the technical knowledge and skill that is ordinarily applied by landscape architects of good standing, practicing in the same locality.
2. In designing a project, a landscape architect shall take into account all applicable construction laws, zoning codes and other applicable laws or regulations. A landscape architect shall not knowingly design a project in violation of such laws and regulations.
3. A landscape architect shall undertake to perform professional services only when the landscape architect, together with those whom the landscape architect may engage as consultants, is qualified by education, training and experience in the specific technical areas involved.
4. No person shall be permitted to practice landscape architecture if, in the board's judgment, such person's professional competence is substantially impaired by physical or mental disabilities.

##### B. Conflict of Interest

1. A landscape architect shall not accept compensation for services from more than one party on a project unless the circumstances are fully disclosed and agreed to in writing by all interested parties.
2. If a landscape architect has any business association or direct or indirect financial interest that is substantial enough to influence the landscape architect's judgment in connection with the performance of professional services, the landscape architect shall fully disclose this in writing to the client or employer. If the landscape architect's client or employer objects to such association or financial interest, the landscape architect shall either terminate such association or interest or offer to give up the commission or employment.
3. A landscape architect shall not solicit or accept compensation from material or equipment suppliers in return for specifying or endorsing their products.
4. When acting as the interpreter of landscape contract documents and the judge of contract performance, a landscape architect shall render decisions impartially, favoring neither party to the contract.

##### C. Full Disclosure

1. A landscape architect shall disclose whenever he/she is being compensated for making public statements concerning landscape architectural questions.
2. A landscape architect shall accurately represent to a prospective or existing client or employer the landscape architect's qualifications and clearly define the scope of his/her responsibility in connection with work for which the landscape architect is claiming responsibility.
3. If a landscape architect becomes aware of a decision made by his/her employer or client, against the landscape architect's advice, that violates applicable construction laws, zoning codes or other applicable regulations and that will, in the landscape architect's judgment, materially and adversely affect the public health, safety and welfare, the landscape architect shall:
  - a. Report the decision to the local authorities or other public official charged with the enforcement of such laws and regulations;
  - b. Refuse to consent to the decision; and
  - c. In circumstances where the landscape architect reasonably believes that other such decisions will be made notwithstanding his/her objection, then the landscape architect shall terminate services with reference to the project. In the case of a termination in accordance with this paragraph of this rule, the landscape architect shall have no liability to the client on account of such termination.
4. A landscape architect shall not deliberately make a materially false statement or deliberately fail to disclose a material fact requested in connection with an application for licensure or renewal.
5. A landscape architect shall not assist in the application for licensure of a person known by the landscape architect to be unqualified in respect to education, examination, experience or character.



6. A landscape architect possessing knowledge of a violation of these rules by another landscape architect shall report such knowledge to the board.

#### D. Compliance with Laws

1. A landscape architect shall not, in the practice of landscape architecture, knowingly violate any criminal law.
2. A landscape architect shall neither offer nor make any payment or gift to any governmental official (whether elected or appointed) with the intent of influencing the official's judgment in connection with a prospective or existing project in which the landscape architect is interested.
3. A landscape architect shall comply with the laws and regulations governing professional practice in any jurisdiction.

#### E. Professional Conduct

1. A landscape architect shall not sign nor seal drawings, specifications, reports or other professional work for which the landscape architect does not have direct control and personal supervision and over which the landscape architect has no legal authority. However, in the case of portions of professional work prepared by the landscape architect's consultants registered under this or another professional registration law of this jurisdiction, the landscape architect may sign or seal that portion of the professional work if the landscape architect has reviewed such portion, has coordinated its preparation, and intends to be responsible for its adequacy.
2. A landscape architect shall neither offer nor make any gifts, other than gifts of nominal value (including, for example, reasonable entertainment and hospitality), with the intent of influencing the judgment of an existing or prospective client in connection with a project in which the landscape architect is interested.
3. A landscape architect shall not engage in conduct involving fraud or wanton disregard of the rights of others.

#### F. Seal Requirements

1. All final professional documents, including maps, plans, designs, drawings, specifications, estimates and reports issued by a landscape architect shall contain a seal, signature and date whenever they are presented to a client or public or governmental agency. A landscape architect's license must be in full force and effect in order to seal documents.
2. A seal shall contain the following information:
  - a. Jurisdiction of licensure
  - b. Landscape architect's name
  - c. License number
  - d. The words "Landscape Architect"
  - e. Any other information required by the board.
3. A signature shall be:
  - a. A handwritten message containing the name of the person who applied it; or
  - b. A digital signature that is an electronic authentication process attached or logically associated with an electronic document. The digital signature must be:
    - (1) Unique to the person using it
    - (2) Capable of verification
    - (3) Under the sole control of the person using it
    - (4) Linked to a document in such a manner that the digital signature is invalidated if any data in the document is changed.A digital signature that uses a process approved by the board is presumed to meet the criteria set forth in subsection b. above.
4. For the purpose of sealing printed drawings, specifications, and contract documents, each landscape architect shall obtain an embossing seal and a reproducible facsimile of a design approved by the board to be used in accordance with these regulations on documents prepared by or under the supervision of a landscape architect. [A facsimile of the seal design should be included in these regulations].
5. The seal or reproducible facsimile shall be applied on all original drawings to produce legible reproduction on all copies or prints made from said drawings. This provision does not in any manner modify the requirements of paragraph X.F.4.

6. No landscape architect shall affix his/her seal or signature to documents that were developed by others not under the direct control and personal supervision of the landscape architect.

#### **XI. Sanctions and Disciplinary Actions**

**A. Complaints** - The board shall receive written complaints against any regulant. The board shall cause the complaint to be investigated within a reasonable time period. The board will hear the findings and action will be recommended or taken.

**B. Hearings** - The accused regulant shall have a right to a hearing in accordance with North Dakota Administrative Process Act.

**C. Disciplinary Actions** - The board may suspend or revoke a license, or fine a regulant, if the board finds that:

1. The license was obtained or renewed through fraud or misrepresentation;
2. The landscape architect has been found guilty by the board, or a court of competent jurisdiction, of any material misrepresentation in the course of professional practice, or has been convicted of any felony or misdemeanor that, in the judgment of the board, adversely affects the landscape architect's ability to perform satisfactorily as a landscape architect;
3. The landscape architect is guilty of professional incompetence or negligence;
4. The landscape architect has abused drugs or alcohol to the extent that professional competence is adversely affected;
5. The landscape architect has violated any of the Standards of Practice and Conduct, as defined in these regulations.
6. The landscape architect has violated any [statutory provisions dealing with landscape architects, cited here], or any provision of these regulations.

#### **CLARB UNIFORM CONTINUING EDUCATION STANDARDS**

##### **A. Definitions**

The terms used in this section shall have the following meaning:

**Activity** - any course or educational endeavor that has a clear purpose and objective and maintains, improves or expands the professional knowledge or skill of the licensee.

**Professional development hour (PDH)** - one hour (with no less than 50 minutes of direct involvement, commonly referred to as a contact hour) of an activity that meets the requirements of these regulations.

**Structured educational activity** - any activity that:

1. Has a sponsor other than the licensee,
2. Has evidence of pre-planning including a written objective and format,
3. Has an assessment component, and
4. Is documented and verifiable.

**Health, safety and welfare issue** - any issue related to the practice of landscape architecture contained in the most recent edition of *The Practice of Landscape Architecture, A Study of the Activities and Knowledge Areas for the Licensed Landscape Architect* published by the Council of Landscape Architectural Registration Boards, otherwise known as the CLARB "Task Analysis."

**Common conversions:**

- One university quarter credit hour = 30 hours.
- One university semester credit hour = 45 hours
- One IACET Continuing Education Unit (CEU) = 10 hours

##### **B. Basic Requirements**

1. Beginning with applications for renewal of licenses that expire on [renewal date], each landscape architect shall have completed 30 PDH units of acceptable continuing education requirements during the two-year period immediately preceding each biennial renewal date as a condition for license renewal.
2. At least 24 PDH units of the continuing education requirement shall be earned by completing structured educational activities which directly address the health, safety, and welfare issues of the public as related to the practice of landscape architecture.

North Dakota Landscape Architecture Licensure Law

Page 7

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Operator's Signature

Date

3. If a licensee exceeds the total continuing education requirement in any renewal period, the licensee may carry a maximum of 15 PDH units forward into the next renewal period.

**C. Conditions for Acceptance**

1. To be accepted as a PDH, a structured activity must be:
  - a. Related to the practice of landscape architecture,
  - b. Performed outside of the normal performance of one's occupation, and
  - c. Contemporaneously documented.
2. The board has final authority with respect to approval for courses, specific activities and credit given.

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Deanna Ballman  
Operator's Signature

10/2/03  
Date

## PENDING AMENDMENTS TO HOUSE BILL 1204

We requested the North Dakota Legislative Council prepare the following amendments. I was told yesterday that they are being drafted or revised into HB 1204 as amendments.

- Create a three person volunteer Technical Committee to provide all administrative support to the State Board of Architecture.
- Allow the Technical Committee to prepare draft rules and regulations by May 1st, 2003 as well as continue to advise the Board of Architecture into the future
- Implements a registrant process to allow in-state and out-of-state Landscape Architect's to become licensed on August 1<sup>st</sup>, 2003 or January 1st, 2004 to begin a revenue source.
- Develops a phase-in plan for the candidate applications and examination testing beginning no earlier than January 1st, 2005 depending upon revenues generated by the in-state and out-of-state registrants.

Another amendment might stress the concern we have not to impact or limit the practice of engineering or architecture in North Dakota.

Most recently we proposed the following amendment as requested by architects. The engineers requested the definition language after the Bill's January House Hearing. We are concerned if it is removed the engineers will be unhappy with a Bill not containing definition language. It was included in the amended Bill to define the practice of landscape architecture.

*We were asked to remove #4 lines 16 through 24 on page 1 and lines 1 through 5 on page two of the amended Bill.*

I believe it is wrong to remove these lines at this point, but I am told it will relieve some of the problems architects are having with the Bill. But I also believe it may anger the engineers.

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*Donna H. H. H.*  
Operator's Signature

10/2/03  
Date



144 Church Street NW  
Suite 401  
Vienna, Virginia  
22180

703.319.8980  
703.359.8290 fax  
www.clarb.org

February 3, 2003

Professor Dennis Colliton, FASLA  
Director of Landscape Architecture  
North Dakota State University  
Fargo, North Dakota 58105

Dear Mr. Colliton,

In order to administer the LARE, a board must be a member of CLARB. The current membership fees are as follows:

Annual Membership Fee \$3,850  
Regional Fee 100  
Available credits -1,100  
Minimum Annual fees \$2,850

The credits are provided to help smaller states and boards who believe that the people using the reciprocity system should bear the costs. The board qualifies for the credits by requiring that applicants for licensure apply with a CLARB Council Record. The Council Record is a verified history of the applicant's education, experience, examination and licensure history. Approximately 12 states currently require the Council Record. This also helps the board reduce administrative costs as the board staff would not have to print applications or incur the costs associated with compiling the information required for applications for licensure.

There is no travel required by CLARB. Boards are encouraged to attend the Spring and Annual Meetings each year, but there is no requirement that they do so. If a board wishes to send a representative to the meetings, the cost of travel is borne by the board.

CLARB charges member boards for the LARE based on the number of tests purchased on a section by section basis. There is no minimum or other cost. Any costs for administration are borne by the board. States with very small populations often administer the test in the Board office using a board member or administrator as the supervisor. Most boards pass the cost of the test and the administration on to the exam candidate.

The test is available twice a year. The entire test is given on three days in June and the graphic portions are given on two days in December. Boards are not required to give the test at both administrations.

Please let me know if you have any additional questions or if we can be of any other assistance.

Sincerely,

Clarence L. Chaffee  
Executive Director

CLC/vlm

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Operator's Signature

10/2/03  
Date

**Projected Income and Expenses associated with Licensure of Landscape Architects**  
**North Dakota**  
 January 2003

BASED ON APPLICATION/RENEWAL OF \$200.00 PER YEAR															
Year 1 - 2003/2004			Year 2 - 2004/2005			Year 3 - 2005/2006			Year 4 - 2006/2007			Year 5 - 2007/2008			
	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total
License Request/Renewals	6	\$ 200.00	\$ 1,200.00	8	\$ 200.00	\$ 1,600.00	14	\$ 200.00	\$ 2,800.00	20	\$ 200.00	\$ 4,000.00	25	\$ 200.00	\$ 5,000.00
New Applications	10	\$ 200.00	\$ 2,000.00	6	\$ 200.00	\$ 1,200.00	5	\$ 200.00	\$ 1,000.00	4	\$ 200.00	\$ 800.00	4	\$ 200.00	\$ 800.00
Out-of State Applications	10	\$ 200.00	\$ 2,000.00	12	\$ 200.00	\$ 2,400.00	16	\$ 200.00	\$ 3,200.00	18	\$ 200.00	\$ 3,600.00	20	\$ 200.00	\$ 4,000.00
Misc. Fee			\$ 125.00			\$ 150.00			\$ 150.00			\$ 150.00			\$ 150.00
TOTAL INCOME			\$ 5,325.00			\$ 5,350.00			\$ 7,150.00			\$ 8,550.00			\$ 9,950.00
BASED ON APPLICATION/RENEWAL OF \$500.00 PER YEAR															
	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total	#'s	Fee	Total
License Request/Renewals	6	\$ 500.00	\$ 3,000.00	8	\$ 500.00	\$ 4,000.00	14	\$ 500.00	\$ 7,000.00	20	\$ 500.00	\$ 10,000.00	25	\$ 500.00	\$ 12,500.00
New Applications	10	\$ 500.00	\$ 5,000.00	6	\$ 500.00	\$ 3,000.00	5	\$ 500.00	\$ 2,500.00	4	\$ 500.00	\$ 2,000.00	4	\$ 500.00	\$ 2,000.00
Out-of State Applications	10	\$ 500.00	\$ 5,000.00	12	\$ 500.00	\$ 6,000.00	16	\$ 500.00	\$ 8,000.00	18	\$ 500.00	\$ 9,000.00	20	\$ 500.00	\$ 10,000.00
Misc. Fee			\$ 125.00			\$ 150.00			\$ 150.00			\$ 150.00			\$ 150.00
TOTAL INCOME			\$ 13,125.00			\$ 13,150.00			\$ 17,650.00			\$ 21,150.00			\$ 24,650.00
OPERATING EXPENSES															
Dues & Subscriptions (CLARB)			Total			Total			Total			Total			Total
Audit Services			\$ 2,850.00			\$ 2,850.00			\$ 2,950.00			\$ 2,950.00			\$ 3,000.00
Publication & Print			\$ 250.00			\$ 250.00			\$ 250.00			\$ 250.00			\$ 250.00
Legal Review			\$ 250.00			\$ 100.00			\$ 100.00			\$ 175.00			\$ 100.00
Office Supplies/Postage			\$ 2,500.00			\$ 1,000.00			\$ 1,000.00			\$ 500.00			\$ 1,000.00
			\$ 250.00			\$ 300.00			\$ 325.00			\$ 350.00			\$ 375.00
TOTAL EXPENSES			\$ 6,100.00			\$ 4,500.00			\$ 4,625.00			\$ 5,225.00			\$ 4,725.00
Year 1 - 2003/2004			Year 2 - 2004/2005			Year 3 - 2005/2006			Year 4 - 2006/2007			Year 5 - 2007/2008			
NET BALANCE (Base \$200)			\$ (775.00)			\$ 850.00			\$ 2,525.00			\$ 3,325.00			\$ 5,225.00
BALANCE (Based on \$200)			\$ (775.00)			\$ 75.00			\$ 2,600.00			\$ 5,925.00			\$ 11,150.00
NET BALANCE (Based \$500)			\$ 7,025.00			\$ 8,650.00			\$ 13,025.00			\$ 15,925.00			\$ 19,925.00
BALANCE (Based on \$500)			\$ 7,025.00			\$ 15,575.00			\$ 28,700.00			\$ 44,625.00			\$ 64,550.00
						carryover			carryover			carryover			carryover

(NOTE: Renewals and applications may not be as strong with \$500.00. The highest fee in the U.S.A. for landscape architecture licensure is \$195.00 in Nevada)

NOTE: Renewals and applications may not be as strong with \$500.00. The highest fee in the U.S.A. for landscape architecture licensure is \$195.00 in Nevada

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Operator's Signature Deanna Hall Date 10/2/03



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

721 West Memorial Highway • P.O. Box 1357 • Bismarck, ND 58502  
701-258-0786 • FAX 701-258-7471

March 12, 2003

Chairman Dwight Cook  
Political Subdivisions Committee  
North Dakota Senate  
Bismarck, North Dakota

Re: Engrossed HB 1204

Dear Chairman Cook and Members of the Committee,

My name is Gary Arman. I am the chairman of the Board of Registration for Professional Engineers and Land Surveyors and I am writing in support of the proposed amendments to Engrossed House Bill 1204.

First of all, I would like the committee to know that the Board of Registration for Professional Engineers and Land Surveyors supports the Landscape Architects and their endeavor to seek registration in North Dakota. However, we did have some concerns with some of the language that was included in the original bill in the House. The original language of HB 1204 did not preclude Landscape Architects from performing services that fall under the statutory definition of professional engineering as defined in N.D.C.C. Ch. 43-19.1-02.

During the past few weeks, we have been working jointly with several engineering groups in an effort to assist the North Dakota State Board of Architecture and the Landscape Architects to develop language that would allow licensure of Landscape Architects and not infringe upon other professional practices already defined in the North Dakota Century Code. I believe that the cooperative effort to develop this language is successfully represented in the amendments that are being proposed for Engrossed HB 1204. To that end, we urge your support for the amendments that have been proposed by the North Dakota State Board of Architecture.

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*Dwight Cook*  
Operator's Signature

10/2/03  
Date

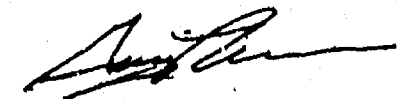
Gary Arman  
Engrossed HB 1204

Page 2

In addition, the Board of Registration for Professional Engineers and Land Surveyors is committed to providing whatever assistance we can in developing the administrative rules that will be necessary to further promote the registration of Landscape Architects in North Dakota.

Again I ask for your support for the amendments to Engrossed House Bill 1204. Thank you for your consideration in this matter.

Sincerely,



Gary L. Arman, P.E.  
Chairman

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Operator's Signature

10/2/03  
Date





John Syverson  
<jaydi@compuserve.com>  
om>

03/12/2003 08:52 PM

To: Sen John O Syverson <jayverson@state.nd.us>, John O Syverson  
<jaydi@compuserve.com>  
cc:  
Subject: arch's2

Senator Syverson:

These are the questions brought together from my colleagues.

Questions for architecture:

Are you or the board members registered in other states where joint boards exist with landscape architects? If so, are there problems encountered by those boards administering multiple professions?

If this Bill passes, is it possible for the State Board of Architecture to work with the landscape architects establishing fair fees and the rules and regulations?

In surrounding states that share joint boards, do architects and landscape architects each pay different fees for professional licenses?

Is it common for the Legislature in other states to allow regulatory boards to set annual fees to registrants?

Would it be possible for landscape architects to prepare draft rules and regulations for review by the State Board of Architecture based on model regulations or other states?

Why are you proposing nearly two years to begin registering landscape architects in the most recent amendments?

Will this proposed law impact the practice of architecture in North Dakota?

Questions for landscape architecture:

Were the architects consulted for this Bill?

What are the cost for the Bill?

How will cost be covered?

Is there an impact for landscape architecture professionals and alumni if the Bill is delayed?

I am also attaching a well-written letter from my department chair - Dr. Paul Gleye. He has worked hard trying to keep people talking about the

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Operator's Signature

Date

10/2/03

licensure of landscape architects.

Thank you and I will see you tomorrow at 9:00AM.

Dennis

Dennis Colliton, FASLA  
701-231-8508 (office)  
701-231-7342 (fax)  
701-282-5869 (home)

NOTE: Email Change "Again" Dennis.Colliton@ndsu.nodak.edu

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Dennis Colliton  
Operator's Signature

10/2/03  
Date

**50-1077-3**

## Terms

TOTALS	25,110,400
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	NDSBA	FLAND
Administration	\$ 3,600.00	\$ 1,000.00
CLARB Annual Subscription Fee	\$ 4,000.00	\$ 2,850.00
Travel	\$ 2,500.00	
Test Administration	\$ 1,000.00	
Legal/Office/Postage	\$ 2,000.00	\$ 1,000.00
Audit	\$ 500.00	\$ 250.00
<b>TOTAL</b>	<b>\$ 13,600.00</b>	<b>\$ 5,100.00</b>

**Note:** Volunteer committee advising the Board to reduce administration costs

**Note:** Fee reduced for smaller states - \$4,000 charged to larger states

**Note:** No travel is required for the Board for national meetings

**Note:** All test administration costs are paid by CLAPB fee & candidate fees

## LANDSCAPE ARCHITECTURE INCOME EXPENSE PROPOSAL

		5-YR PHASE-IN	8/1/2003-7/31/2004	8/1/2004-7/31/2005	8/1/2005-7/31/2006	8/1/2006-7/31/2007	8/1/2007-7/31/2008					
	Application Fee	Annual Fee	#'s Totals	#'s Totals	#'s Totals	#'s Totals	#'s Totals					
Allow Current ND Landscape Architects Registration	\$ 100.00	\$ 200.00	7	\$ 2,100.00	7	\$ 1,400.00	9	\$ 2,000.00	11	\$ 2,400.00	13	\$ 2,800.00
Begin Candidate Testing (2004)	\$ 100.00	\$ 200.00			9	\$ 2,700.00	8	\$ 2,400.00	7	\$ 2,100.00	6	\$ 1,800.00
Open Out of State Registrants (2004)	\$ 100.00	\$ 200.00							10	\$ 3,000.00	12	\$ 2,600.00
Donations/Chapter Great Plains Support				\$ 1,000.00		\$ -	\$ -	\$ -		\$ -		\$ -
		Total Registrants	7		28		29		30		32	

	\$	\$	\$	\$	\$
<b>INCOME TOTALS</b>	\$ 3,100.00	\$ 7,100.00	\$ 7,000.00	\$ 7,100.00	\$ 7,300.00

	5-YR PHASE-IN	8/1/2003-7/31/2004	8/1/2004-7/31/2005	8/1/2005-7/31/2006	8/1/2006-7/31/2007	8/1/2007-7/31/2008
Legal/Advertising/Review		\$ 1,600.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
CLARB Annual Subscription		\$ -	\$ 2,850.00	\$ 2,850.00	\$ 2,850.00	\$ 2,850.00
Administration		\$ 400.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00	\$ 1,000.00
Audit		\$ -	\$ 250.00	\$ 250.00	\$ 250.00	\$ 250.00

EXPENSE TOTALS	\$ 2,000.00	\$ 5,100.00	\$ 5,100.00	\$ 5,100.00

[illegible][illegible]

**Operator's Signature**

Date \_\_\_\_\_

**FD-302a**

**Operator's Signature**

Date \_\_\_\_\_

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