

**Sixty-second Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2011**

HOUSE BILL NO. 1469
(Representatives Kasper, Carlson, Ruby, Sukut)
(Senators Nodland, Schneider)

AN ACT to amend and reenact sections 43-03-02, 43-03-09, and 43-03-15 of the North Dakota Century Code, relating to regulation of architects; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. 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:
 - a. A person supervising the erection, enlargement, or alteration of a building; or
 - b. A person preparing plans and specifications or designing, planning, or administering the construction contracts for the construction, alteration, remodeling, or repair of:
 - (1) A private residence;
 - (2) A building that under applicable building code ~~is not designed for occupancy by ten or more individuals~~, does not exceed two stories in height exclusive of a one-story basement, and is:
 - (a) A garage;
 - (b) A commercial or industrial building not considered to have a primary building code occupancy classification of assembly group A-1, educational group E, high-hazard group H, or institutional group I;
 - (c) A building considered to have a primary building code occupancy classification of assembly groups A-2, A-3, A-4, or A-5; business group B; factory industrial group F; mercantile group M; or residential group R;
 - (d) A preengineered metal building;
 - (e) A building for the marketing, storage, or processing of farm products; or
 - (f) A warehouse; ~~or~~
 - (~~g~~)(3) Rental apartment units that do not exceed three stories in height exclusive of a one-story basement;
 - (~~3~~)(4) A farm building; or
 - (4)(5) A nonstructural alteration of any nature to any building if the alteration does not affect the safety of the occupants of the building building remodeling or an addition or both, which does not change its use to a primary building code occupancy classification of assembly group A-1, educational group E, high-hazard group H, or institutional group I.
2. The landscape architect registration provisions of this chapter do not apply to:

- a. An architect, a professional engineer, or a land surveyor in the course of providing professional services for which otherwise licensed or registered;
 - b. 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;
 - c. An individual in the course of planning or otherwise caring for that individual's property; or
 - d. An irrigation designer, contractor, or service provider in the course of preparing irrigation plans or installing, repairing, or maintaining irrigation systems.
3. This chapter does not:
- a. Apply to an officer or employee of the United States government while engaged in governmental work in this state;
 - b. Curtail or extend the right of any other profession regulated in this state;
 - c. Prevent the independent employment of a registered professional engineer for any professional service related solely to civil, structural, mechanical, or electrical engineering in connection with any building or building project; or
 - d. Supersede, override, or amend the provisions of chapter 43-19.1 regarding registration of professional engineers and land surveyors or chapter 43-07 regarding registration of contractors.

SECTION 2. AMENDMENT. Section 43-03-09 of the North Dakota Century Code is amended and reenacted as follows:

43-03-09. Prohibited acts - Injunction.

1. A person may not practice architecture in this state unless 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.
2. A person may not fraudulently obtain or furnish a certificate of registration to practice architecture or landscape architecture.
3. A person that is not ~~licensed~~registered under this chapter may not:
 - a. Advertise, represent, or in any manner hold that person out as an architect or landscape architect;
 - b. In connection with the person's business or name, or otherwise, assume, use, or advertise any term, title, or description or engage in any other conduct that reasonably might be expected to mislead another to believe the person is an architect or landscape architect; or
 - c. Except as a copartnership of architects, engage in the ~~practices~~solicitation of architecture or landscape architecture services as an individual or corporation.
4. Through the attorney general, the board may seek to enjoin a person from committing an act in violation of this chapter. The board is not required to prove irreparable injury to enjoin a violation of this chapter.

SECTION 3. AMENDMENT. Section 43-03-15 of the North Dakota Century Code is amended and reenacted as follows:

43-03-15. When examination not necessary.

The board may admit a nonresident applicant seeking to register to practice architecture or landscape architecture in North Dakota without requiring the applicant to pass an examination if the applicant is licensed or registered to practice architecture or landscape architecture under the laws of any other state that has requirements substantially equal to those provided for under this chapter. An applicant under this section shall pay the fees provided for under section 43-03-18.

SECTION 4. EMERGENCY. This Act is declared to be an emergency measure.

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-second Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1469 and that two-thirds of the members-elect of the House of Representatives voted in favor of said law.

Vote: Yeas 90 Nays 3 Absent 1

Speaker of the House

Chief Clerk of the House

This certifies that two-thirds of the members-elect of the Senate voted in favor of said law.

Vote: Yeas 34 Nays 13 Absent 0

President of the Senate

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2011.

Approved at _____ M. on _____, 2011.

Governor

Filed in this office this _____ day of _____, 2011,

at _____ o'clock _____ M.

Secretary of State