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To: Chairman Klein, Members of the Senate Industry, Business, and Labor Committee.

NDSPLS is made up of over 230 members, of which some 122 are Registered Professional Land Surveyors, who live and practice in this state. There are approximately 500 Registered Land Surveyors who are licensed to practice in ND. We are licensed and regulated by the North Dakota State Board of Registration for Professional Engineers and Professional Land Surveyors. Our mission and objective is: to unite all of the Professional Land Surveyors in the State of North Dakota; to elevate the standards of the surveying profession; to establish basic minimum standards and requirements for surveys; to assist in promoting legislative and educational programs to improve the professional status of the Land Surveyor; to work in cooperation with local, county, state, federal and tribal governments in our field of endeavor; to uphold a rigid code of ethics; to strive to improve our relations with our clients and the public by doing our work with precision and integrity; and to maintain a good relationship between Land Surveyors, Engineers, and all allied professions.

**The North Dakota Society of Professional Land Surveyors is in FAVOR of
Senate Bill No. 2243.**

Senate Bill 2243 is a housekeeping bill. While reviewing statutes during a recent update to the NDSPLS Manual of Practice, it was noticed that the definition of land surveying under NDCC 43-19.1-02, subsection 8, and the definition of land surveying under NDCC 47-20.1-01, subsection 4 – the Corner Recordation Act - are different. This was not always the case. The Corner Recordation Act was enacted in 1973. At that time, the definition in Title 43 was inserted into Title 47. In 2011, the definition within Title 43 was updated with a more comprehensive definition; however, the definition under Title 47 was not addressed at that time. (The respective codes are appended to this letter.)

NDSPLS is seeking to have the definition in Title 47 revised to match the definition in Title 43. We believe that the definitions were intended to be the same per the original drafting of Title 47. Also, the definition of Title 43 is a more thorough and refined definition. Lastly, since Title 43 is the code for occupations and professions, we believe that the definition in Title 43 is the more appropriate definition that should be used. As you will see, the proposed bill eliminates the current language and replaces it with a simple reference to NDCC 43-19.1-02, which we believe is the easiest way to handle this, and which will also prevent a need to change Title 47 should there be modifications to Title 43 sometime in the future.

Therefore, NDSPLS urges a DO PASS on Senate Bill No. 2243.

Thank you,

Aaron Hummert, PLS
Chairman of the NDSPLS Legislative Committee

Definition per NDCC 43-19.1-02, subsection 8:

8. "Practice of land surveying":

a. Means making land boundary determinations by providing or offering to provide professional services using such sciences as mathematics, geodesy, and photogrammetry and involving the making of geometric measurements and gathering related information pertaining to the physical or legal features of the earth; improvements on the earth; and improvements on the space above, on, or below the earth and providing, utilizing, or developing the same into land survey products such as graphics, data, maps, plans, reports, descriptions, or projects. As used in this subsection, professional services include acts of consultation, investigation, testimony evaluation, expert technical testimony, planning, mapping, assembling, and interpreting gathered measurements and information related to any one or more of the following:

- (1) Determining by measurement the configuration or contour of the earth's surface or the position of fixed objects on the earth's surface;
- (2) Determining by performing geodetic land surveys the size and shape of the earth or the position of any point on the earth;
- (3) Locating, relocating, establishing, re-establishing, or retracing property lines or boundaries of any tract of land, road, right of way, or easement;
- (4) Making any land survey for the division, subdivision, or consolidation of any tract of land;
- (5) Locating or laying out alignments, positions, or elevations for the construction of fixed works;
- (6) Determining by the use of principles of land surveying the position for any survey monument, boundary or nonboundary, or reference point and establishing or replacing any such monument or reference point; and
- (7) Creating, preparing, or modifying electronic or computerized or other data for the purpose of making land boundary determinations relative to the performance of the activities in paragraphs 1 through 6.

Definition per NDCC 47-20.1-01, subsection 4:

4. "Practice of land surveying" means the assuming of responsibility for the surveying of land for the establishment of corners, lines, boundaries, and monuments, the laying out and subdivision of land, the defining and locating of corners, lines, boundaries, and monuments after they have been established, the survey of land areas for the purpose of determining the topography thereof, the making of topographical delineations, and the preparing of maps and accurate records thereof, when the proper performance of such services requires technical knowledge and skill.