

2021 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2243

2021 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Fort Union Room, State Capitol

SB 2243
1/27/2021

relating to the definition of the practice of land surveying

Chair Klein opened the hearing at 9:30 a.m. All members were present. Senators Klein, Larsen, Burckhard, Vedaa, Kreun, and Marcellais.

Discussion Topics:

- Land surveyors

Senator Burckhard introduced the bill and testified in favor [9:31].

Mike Krumwiede, ND Society of Professional Land Surveyors testified in favor [9:33].

Aaron Hummert, Professional Land Surveyor testified in favor and submitted testimony #3763 [9:34].

Senator Burckhard moved a DO PASS [9:39].

Senator Vedaa seconded the motion [9:39].
[9:39]

Senators	Vote
Senator Jerry Klein	Y
Senator Doug Larsen	Y
Senator Randy A. Burckhard	Y
Senator Curt Kreun	Y
Senator Richard Marcellais	Y
Senator Shawn Vedaa	Y

Motion passed: 6-0-0

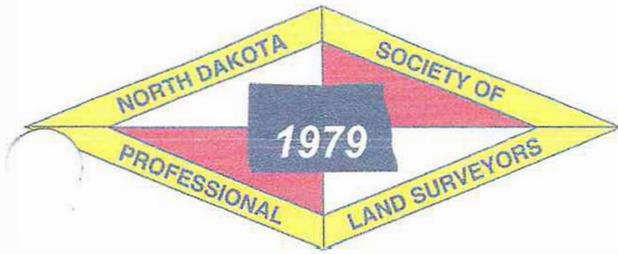
Senator Burckhard will carry the bill [9:39].

Chair Klein closed the hearing at 9:39 a.m.

Isabella Grotberg, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2243: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.



NDSPLS ADMINISTRATIVE OFFICE
 PO Box 7370
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 Phone: 701-223-3184
 E-mail: info@ndspls.org
 Website: www.ndspls.org
 Date: January 27, 2021

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.

2021 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2243

2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Room JW327C, State Capitol

SB 2243
3/8/2021

Charging fees for outgoing file copies

(9:54) Chairman Lefor called the hearing to order.

Representatives	Attendance	Representatives	Attendance
Chairman Lefor	P	Rep Ostlie	P
Vice Chairman Keiser	P	Rep D Ruby	P
Rep Hagert	P	Rep Schauer	P
Rep Kasper	P	Rep Stemen	P
Rep Louser	P	Rep Thomas	P
Rep Nehring	P	Rep Adams	P
Rep O'Brien	P	Rep P Anderson	P

Discussion Topics:

- Definition of the Practice of Land Surveying

Sen Burckhard~District 5-Minot. Attachment # 7834

Aaron Hummert~Chairman-NDSPLS Legislative Committee. Attachment # 7918

Chairman Lefor closes the hearing. The bill will be held.

(10:14) End time.

Ellen LeTang, Committee Clerk

SB2243

House IBL Cmte 3/8/2021

7834

IBL committee carried by Randy Burckhard-11th order 1/28/2021

^{Chairman}
Mr. ~~President~~, SB2243 is a clean up bill regarding the definition of the Practice of Land Surveying. In the 2011 legislative session the definition in Title 43 was updated with a more comprehensive definition. Recently it was noticed by the ND Society of Professional Land Surveyors (NDSPLS) that the definition of land surveying under NDCC 43-19.1-02 and the definition of land surveying under NDCC 47-20.1-01 -the Corner Recordation Act- are different.

^{Chairman}
Mr. ~~President~~, the only thing this bill does is remove an outdated definition of land surveying in Chapter 47 and refers to the more comprehensive definition adopted in Chapter 43.

Mr. ~~President~~, there was no opposition to the bill and your Senate IBL committee gave this a unanimous Do Pass recommendation and I would ask for your green vote.

46-0

Aaron Hummert



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Date: March 7, 2021

To: Chairman Lefor, Members of the House Industry, Business, and Labor Committee.

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2021 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee Room JW327C, State Capitol

SB 2243
3/9/2021

Definition of the practice of land surveying.

(3:09) Chairman Lefor called the work session to order.

Representatives	Attendance	Representatives	Attendance
Chairman Lefor	P	Rep Ostlie	P
Vice Chairman Keiser	A	Rep D Ruby	A
Rep Hagert	P	Rep Schauer	P
Rep Kasper	P	Rep Stemen	P
Rep Louser	P	Rep Thomas	P
Rep Nehring	P	Rep Adams	P
Rep O'Brien	P	Rep P Anderson	P

Discussion Topics:

- Committee work

Rep Adams moved a Do Pass.

Rep Nehring second.

Representatives	Vote
Chairman Lefor	Y
Vice Chairman Keiser	A
Rep Hagert	Y
Rep Jim Kasper	Y
Rep Scott Louser	Y
Rep Nehring	Y
Rep O'Brien	Y
Rep Ostlie	Y
Rep Ruby	A
Rep Schauer	Y
Rep Stemen	Y
Rep Thomas	Y
Rep Adams	Y
Rep P Anderson	Y

House Industry, Business and Labor Committee

SB 2243

Mar 9, 2021

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Vote roll call taken Motion carried 12-0-2 & Rep Ostlie is the carrier.

(3:10) End time.

Ellen LeTang, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2243: Industry, Business and Labor Committee (Rep. Lefor, Chairman) recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2243 was placed on the Fourteenth order on the calendar.