



**NORTH CAROLINA BOARD OF EXAMINERS
FOR ENGINEERS AND SURVEYORS**

4601 Six Forks Rd Suite 310
Raleigh, North Carolina 27609

February 15, 2010

Teresa H. Ratcliff, PE, PhD
Chair

J. Glenn Haynes, PLS
Vice-Chair
David L. Pond, PE
Secretary

Nils W. Joyner, Jr., PLS
Henry V. Liles, Jr., PE
Elizabeth W. Riley, Public
Doris M. Rodgers, Public
Gary W. Thompson, PLS
John S. Tunstall, PE

Andrew L. Ritter
Executive Director

Representative Joe Hackney
Speaker of the House
16 W. Jones Street, Room 2304
Raleigh, NC 27601-1096

Senator Marc Basnight
President Pro Tempore of the Senate
16 W. Jones Street, Room 2007
Raleigh, NC 27601-2808

**RE: Consultation with the Joint Legislative Commission on
Governmental Operations**

Dear Senator Basnight and Representative Hackney:

As Executive Director of the North Carolina Board of Examiners for Engineers and Surveyors (the "Board"), I am writing on behalf of the Board regarding the adoption of revisions to rules increasing fees.

The revisions to rules, 21 NCAC 56.0505, 56.0606 and 56.0804 are being published as Notice of Text in the February 15, 2010 North Carolina Register. We have included a copy of the specific rules and the statutory authority with the applicable language underlined.

The three rules increase annual professional license renewal fees for professional engineers (21-56.0505), professional land surveyors (21-56.0606), and for engineering and land surveying corporations and business firms (21-56.0804) from sixty dollars to seventy-five dollars per year. The subject language is underlined in the copy of each rule.

The statutory authority in G.S. 89C-14 states that the annual renewal fee is "the amount set by the Board but shall not exceed seventy-five dollars (\$75.00)" for corporations and business firms. For individual professional engineers and professional land surveyors G.S. 89C-17 provides for "a renewal fee, as determined by the Board, which shall not exceed seventy-five dollars (\$75.00)."

Representative Joe Hackney
Senator Marc Basnight
February 15, 2010
Page 2

The fee increase is necessary primarily to restore the reserve fund balance and, in addition, to provide for further implementation of paperless record keeping and the electronic transmittal of information to both licensees and the public. We are complying with the recommended guidelines of our auditors to maintain a minimum of six months of total operating expenses in reserve as a rainy day fund. The reserves have fallen from a six month reserve in 2007 to less than a two month reserve in 2009.

The Board in carrying out its responsibility to protect the public maintains a staff that is responsive to the needs of the citizens and continues to implement additional measures to make the information more easily available to the public through technology and speaking opportunities to groups. This includes additional postings of scanned documents to the website, as well as increased and timely communication with licensees by email. Investments in technology will aid in the review of requests for rulings and interpretations of the Board by the transmittal and display of documents electronically.

Should you have any questions, please feel free to contact me at aritter@ncbels.org or (919) 791-2000 ext. 101.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew L. Ritter', with a stylized, cursive script.

Andrew L. Ritter
Executive Director

DST/
attachments

- 1 - Administrative Rules Increasing Fees
- 2 - Statutory Authority for Fees

Attachment 1 ADMINISTRATIVE RULES INCREASING FEES

Annual Renewal Fee For Individuals:

21 NCAC 56 .0505 EXPIRATIONS AND RENEWALS OF CERTIFICATES

(a) Professional Engineer Licensure. An annual renewal fee of ~~sixty-seventy-five~~ dollars ~~(\$60.00)~~(\$75.00) for certificates of licensure for Professional Engineers shall be payable to the Board. The Board shall send to each licensed Professional Engineer a form which requires the licensee to provide the Board with both the business and residential addresses, and the professional development hours (PDH) obtained during the previous year. The licensee shall give notice to the Board of a change of business or residential address within 30 days of the change.

(b) Engineering Intern Certificate. The Engineering Intern certificate does not expire and, therefore, does not have to be renewed.

Authority G.S. 89C-10; 89C-17.

21 NCAC 56 .0606 EXPIRATIONS AND RENEWALS OF CERTIFICATES

(a) Professional Land Surveyor Licensure. An annual renewal fee of ~~sixty-seventy-five~~ dollars ~~(\$60.00)~~(\$75.00) for certificates of licensure for Professional Land Surveyors is payable to the Board. The Board shall provide each Professional Land Surveyor a form which requires the licensee to provide to the Board the business and residential addresses, and the professional development hours (PDH) obtained during the previous year. The licensee shall give notice to the Board of a change of business or residential address within 30 days of the change.

(b) Surveyor Intern Certificate. The surveyor intern certificate does not expire and, therefore, does not have to be renewed.

Authority G.S. 89C-17.

Annual Renewal Fee For Business Corporations and Firms:

21 NCAC 56 .0804 ANNUAL RENEWAL

(a) Renewal. The certificate of licensure for a business entity, including a professional corporation, limited liability company, Chapter 87 corporation, or business firm shall be renewed annually.

(b) Expiration. The certificate of licensure expires on the last day of June following its issuance by the Board and becomes invalid on that date unless renewed.

(c) Written Application. Upon written application on a renewal form prescribed by the Board accompanied by the prescribed fee of ~~sixty-seventy-five~~ dollars ~~(\$60.00)~~(\$75.00) the Board shall renew the certificate of licensure providing that the firm has complied with all Rules of the Board and applicable General Statutes of North Carolina. The form shall be mailed to all licensees in good standing no later than June 1st. The licensed entity shall give notice to the Board of a change of business address within 30 days of the change.

(d) If a firm fails to renew its certificate of licensure within one year of the expiration date, the firm shall submit a new application for a new certificate of licensure in accordance with all requirements of 21 NCAC 56 .0802.

Authority G.S. 55B-11; 57C-2-01; 89C-10; 89C-14; 89C-17; 89C-24.

Attachment 2 STATUTORY AUTHORITY FOR FEES

Annual Renewal Fee For Business Corporations and Firms:

§ 89C-14. Application for licensure; license fees.

- (c) The certification fee for a corporation is the amount set by the Board but shall not exceed one hundred dollars (\$100.00). The fee shall accompany the application. The certification fee for a business firm is the same as the fee for a corporation. **The fee for renewal of a certificate of licensure of a corporation is the amount set by the Board but shall not exceed seventy-five dollars (\$75.00). The fee for renewal of a certificate of licensure for a business firm is the same as the renewal fee for a corporation.**

Annual Renewal Fee For Individuals:

§ 89C-17. Expirations and renewals of certificates.

Certificates for licensure of corporations and business firms that engage in the practice of engineering or land surveying shall expire on the last day of the month of June following their issuance or renewal and shall become invalid on that date unless renewed. All other certificates for licensure shall expire on the last day of the month of December next following their issuance or renewal, and shall become invalid on that date unless renewed. When necessary to protect the public health, safety, or welfare, the Board shall require any evidence necessary to establish the continuing competency of engineers and land surveyors as a condition of renewal of licenses. **When the Board is satisfied as to the continuing competency of an applicant, it shall issue a renewal of the certificate upon payment by the applicant of a fee fixed by the Board but not to exceed seventy-five dollars (\$75.00).** The secretary of the Board shall notify by mail every person licensed under this Chapter of the date of expiration of the certificate, the amount of the fee required for its renewal for one year, and any requirement as to evidence of continued competency. The notice shall be mailed at least one month in advance of the expiration date of the certificate. **Renewal shall be effected at any time during the month immediately following the month of expiration, by payment to the secretary of the Board of a renewal fee, as determined by the Board, which shall not exceed seventy-five dollars (\$75.00).** Failure on the part of any licensee to renew the certificate annually in the month immediately following the month of expiration, as required above, shall deprive the licensee of the right to practice until reinstatement of the license. The license may be reinstated at any time during the first 12 months immediately following the date the license became invalid by payment of a reinstatement fee of one hundred dollars (\$100.00) in addition to the established renewal fee. Failure of a licensee to reinstate the license during the first 12 months immediately following the date the license became invalid shall require the individual, prior to resuming practice in North Carolina, to submit an application on the prescribed form, and to meet all other requirements for licensure as set forth in Chapter 89C. The secretary of the Board is instructed to remove from the official roster of engineers and land surveyors the names of all licensees who have not effected their renewal by the first day of the month immediately following the renewal period. The Board may adopt rules to provide for renewals in distress or hardship cases due to military service, prolonged illness, or prolonged absence from the State, where the applicant for renewal demonstrates to the Board that the applicant has maintained active knowledge and professional status as an engineer or land surveyor, as the case may be. It shall be the responsibility of each licensee to inform the Board promptly concerning change in address. A licensee may request and be granted inactive status. No inactive licensee may practice in this State unless otherwise exempted in this Chapter. A licensee granted inactive status shall pay annual renewal fees but shall not be subject to annual continuing professional competency requirements. A licensee granted inactive status may return to active status by meeting all requirements of the Board, including demonstration of continuing professional competency as a condition of reinstatement.