

**Fifty-sixth Legislative Assembly, State of North Dakota, begun in the
Capitol in the City of Bismarck, on Tuesday, the fifth day of January,
one thousand nine hundred and ninety-nine**

SENATE BILL NO. 2190
(Senators Wardner, Urlacher)

AN ACT to amend and reenact sections 43-36-04, 43-36-07, 43-36-11, and 43-36-15 of the North Dakota Century Code, relating to the state board of registration for professional soil classifiers, reciprocal registration, and registration fees.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 43-36-04 of the North Dakota Century Code is amended and reenacted as follows:

43-36-04. Board - Compensation and expenses. Each member of the board ~~may receive twenty five dollars for each day actually engaged in the services of the board and shall be reimbursed for all actual traveling, incidental and clerical~~ is entitled to receive compensation at the rate of sixty-two dollars and fifty cents per day and reimbursement for expenses ~~necessarily incurred in carrying out the provisions of this chapter as provided by law for state officers, if attending board meetings or performing duties directed by the board.~~

SECTION 2. AMENDMENT. Section 43-36-07 of the North Dakota Century Code is amended and reenacted as follows:

43-36-07. Board - Powers. The board has the power to administer this chapter under chapter 28-32 and:

1. To adopt and amend all bylaws, rules of procedure and regulations to administer and carry out the provisions of this chapter and for the conduct of its affairs and functions consistent with the constitution and laws of this state or this chapter which may be reasonably necessary for the proper performance of its duties and the regulation of its proceedings, meetings, records, examinations and the conduct thereof, and to adopt and promulgate a code of ethics which is binding upon all persons registered under or subject to this chapter.
2. To employ such clerks, technical experts and attorneys as it may deem necessary or desirable to carry out the provisions of this chapter.
3. To apply in the name of the state for relief by injunction without bond, to enforce the provisions of this chapter or to restrain any violation thereof. In such proceedings it is not necessary to allege or prove either that an adequate remedy at law does not exist or that substantial or irreparable damage would result from the continued violation thereof. The members of the board are not personally liable under this proceeding.
4. To negotiate and enter reciprocal agreements with similar agencies in other states; provided that a reciprocal agreement may not limit the board's powers and duties regarding any application for registration as a professional soil classifier or for certification as a soil classifier-in-training or regarding the enforcement of this chapter or any rules adopted to implement this chapter.

SECTION 3. AMENDMENT. Section 43-36-11 of the North Dakota Century Code is amended and reenacted as follows:

43-36-11. Registration without examination - ~~Professional soil classifier~~ Reciprocity. An applicant otherwise qualified must be admitted to registration as a professional soil classifier without examination ~~within one year after July 1, 1973, upon payment of the required fees if he is:~~

1. ~~A person~~ The applicant is of good character ~~who~~, has been a resident of the state of North Dakota for at least one year immediately preceding the date of his application ~~and~~, was a practicing soil classifier on July 1, 1973, ~~and~~ meets the requirements of this chapter, and has performed work of a character satisfactory to the board; or
2. ~~A person holding~~ The applicant holds a certificate of registration in the practice of soil classifying ~~on the basis of comparable qualifications issued to him by a proper authority of another state, possession or territory of the United States and who in the opinion of the board meets the requirements of this chapter~~ issued by another state, the District of Columbia, a Canadian province, or a foreign country, in which the requirements are substantially similar to those of this state.

SECTION 4. AMENDMENT. Section 43-36-15 of the North Dakota Century Code is amended and reenacted as follows:

43-36-15. Registration fees.

1. ~~Registration~~ The board shall establish registration fees ~~must be established by the board subject to the following limitations provided:~~
4. ~~a.~~ The registration fee for in-state professional soil classifiers must be ~~in an amount not less than~~ at least twenty ~~or~~ dollars but not more than one hundred dollars.
2. ~~b.~~ The registration fee for in-state soil classifier-in-training certification or enrollment must be ~~established by the board in an amount not less than~~ at least ten ~~or~~ dollars but not more than fifty dollars.
- ~~c.~~ The registration fee for out-of-state professional soil classifiers must be at least fifty dollars but not more than one hundred dollars.
3. 2. ~~Should~~ If the board ~~deny~~ denies the issuance of a certificate to an applicant, the ~~fee paid must be retained as an~~ board shall retain the application fee.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-sixth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2190.

Senate Vote: Yeas 48 Nays 0 Absent 1

House Vote: Yeas 94 Nays 0 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 1999.

Approved at _____ M. on _____, 1999.

Governor

Filed in this office this _____ day of _____, 1999,

at _____ o'clock _____ M.

Secretary of State