

SENATE BILL NO. 2190

Introduced by

Senators Wardner, Urlacher

1 A BILL for an Act to amend and reenact sections 43-36-04, 43-36-07, 43-36-11, and 43-36-15
2 of the North Dakota Century Code, relating to the state board of registration for professional soil
3 classifiers, reciprocal registration, and registration fees.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

7 **43-36-04. Board - Compensation and expenses.** Each member of the board ~~may~~
8 ~~receive twenty five dollars for each day actually engaged in the services of the board and shall~~
9 ~~be reimbursed for all actual traveling, incidental and clerical~~ is entitled to receive compensation
10 at the rate of sixty-two dollars and fifty cents per day and reimbursement for expenses
11 necessarily incurred in carrying out the provisions of this chapter as provided by law for state
12 officers, if attending board meetings or performing duties directed by the board.

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

15 **43-36-07. Board - Powers.** The board has the power to administer this chapter under
16 chapter 28-32 and:

- 17 1. To adopt and amend all bylaws, rules of procedure and regulations to administer
18 and carry out the provisions of this chapter and for the conduct of its affairs and
19 functions consistent with the constitution and laws of this state or this chapter
20 which may be reasonably necessary for the proper performance of its duties and
21 the regulation of its proceedings, meetings, records, examinations and the conduct
22 thereof, and to adopt and promulgate a code of ethics which is binding upon all
23 persons registered under or subject to this chapter.

- 1 2. To employ such clerks, technical experts and attorneys as it may deem necessary
2 or desirable to carry out the provisions of this chapter.
- 3 3. To apply in the name of the state for relief by injunction without bond, to enforce
4 the provisions of this chapter or to restrain any violation thereof. In such
5 proceedings it is not necessary to allege or prove either that an adequate remedy
6 at law does not exist or that substantial or irreparable damage would result from
7 the continued violation thereof. The members of the board are not personally liable
8 under this proceeding.
- 9 4. To negotiate and enter reciprocal agreements with similar agencies in other states;
10 provided that a reciprocal agreement may not limit the board's powers and duties
11 regarding any application for registration as a professional soil classifier or for
12 certification as a soil classifier-in-training or regarding the enforcement of this
13 chapter or any rules adopted to implement this chapter.

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

16 **43-36-11. Registration without examination - ~~Professional soil classifier~~**

17 **Reciprocity.** An applicant otherwise qualified must be admitted to registration as a
18 professional soil classifier without examination ~~within one year after July 1, 1973, upon~~
19 payment of the required fees if he is:

- 20 1. ~~A person~~ The applicant is of good character ~~who~~₁, has been a resident of the state
21 ~~of North Dakota~~ for at least one year immediately preceding the date of ~~his~~
22 application ~~and~~₁, was a practicing soil classifier on July 1, 1973, ~~and~~ meets the
23 requirements of this chapter₁, and has performed work of a character satisfactory to
24 the board; or
- 25 2. ~~A person holding~~ The applicant holds a certificate of registration in the practice of
26 soil classifying ~~on the basis of comparable qualifications issued to him by a proper~~
27 ~~authority of another state, possession or territory of the United States and who in~~
28 ~~the opinion of the board meets the requirements of this chapter~~ issued by another
29 state, the District of Columbia, a Canadian province, or a foreign country, in which
30 the requirements are substantially similar to those of this state.

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

3 **43-36-15. Registration fees.**

4 1. ~~Registration~~ The board shall establish registration fees ~~must be established by the~~
5 ~~board subject to the following limitations provided:~~

6 4. a. The registration fee for in-state professional soil classifiers must be ~~in an~~
7 ~~amount not less than~~ at least twenty ~~or~~ dollars but not more than one
8 hundred dollars.

9 2. b. The registration fee for in-state soil classifier-in-training certification or
10 enrollment must be ~~established by the board in an amount not less than~~ at
11 least ten ~~or~~ dollars but not more than fifty dollars.

12 c. The registration fee for out-of-state professional soil classifiers must be at
13 least fifty dollars but not more than one hundred dollars.

14 3. 2. ~~Should~~ If the board ~~deny~~ denies the issuance of a certificate to an applicant, the
15 ~~fee paid must be retained as an~~ board shall retain the application fee.