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ROLL NUMBER

DESCRIPTION

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Yubereca d. Lee
Operator's Signature

10-16-03
Date

2003 SENATE AGRICULTURE

SB 2131

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2131

Senate Agriculture Committee

Conference Committee

Hearing Date 01/16/03

Tape Number	Side A	Side B	Meter #
1	X		99 - 1701
Committee Clerk Signature 			

Minutes:

Michael Ulmer, Chairman of the North Dakota State Board of Soil Classifiers testified in favor of the bill (written testimony).

Senator Flakoll asked how long is the registration period.

Mr. Ulmer stated it is an annual fee. The other fees for examinations are one time fees.

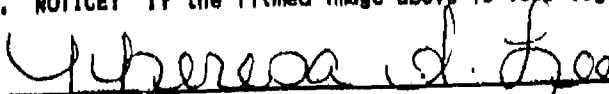
Senator Flakoll asked what will prevent the board from overcharging for their fees.

Mr. Ulmer stated in the past the applicable code has had side bars. The five members, 3 professional soil classifiers and 2 lay members, are appointed by the governor and could police itself.

Senator Flakoll asked how many annual fees are collected.

Mr. Ulmer stated they have 70 members and 1 - 2 applications per year.

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Senate Agriculture Committee
Bill/Resolution Number SB 2131
Hearing Date 01/16/03

Senator Klein asked why there was the broad range of \$5 - \$25. He stated experience shows legislators are concerned when there is no legislative oversight of fees. There are no other soil classifiers here to testify. Do they know about the proposed change in fees?

Mr. Ulmer stated the proposal was presented to their members and they agreed the fees need to be raised. He added their main cost is testing. It is a very expensive test to administer. It requires one day spent in the field with one or two classifiers. The board is considering substituting the local test by a national certification test that would allow reciprocity between states. The national test costs over \$300, similar to the professional engineers test. They are currently using the high end of the allowed range.

Senator Klein stated he has a hesitation in letting boards govern their own fees.

Mr. Ulmer said their board had discussed continuing the use of side boards and the members thought it wasn't necessary. If it is a problem, the board would certainly consider putting side boards into their request.

Senator Nichols asked if all the members are located within North Dakota.

Mr. Ulmer replied no.

Senator Nichols asked what kind of work is done by a professional soil classifier.

Mr. Ulmer stated they predominantly do soil landscape evaluation, land reclamation, siting for land waste, septic tank field siting, not fertility testing or engineering practices.

Senator Nichols asked what Mr. Ulmer would suggest for possible fee ranges.

Mr. Ulmer stated a range of \$50 - \$100 (his written request later in the hearing was \$500 for the high end of the range) for the application fee. The wide range is due to the possibility of using the national test. If the local test is continued, the application fee would be \$200. The board

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Bill/Resolution Number SB 2131
Hearing Date 01/16/03

hasn't decided this issue yet and has not taken the issue to its members so they are requesting the broad range for application fees.

For the annual registration fee, Mr. Ulmer suggested a range of \$50 - \$300. They would institute an immediate change to \$180 from their present rate of \$100. The requested range for the fee for in state classifier in training is \$25 - \$100. The requested range for the out of state soil classifiers is \$100 - \$300. In the past the board has not asked for a higher fee for out of state classifiers, it has been \$100 in the past. The requested range for retesting fees is \$25 - \$50.

Senator Flakoll asked if these numbers were approved by the members at large.

Mr. Ulmer stated that these ranges were discussed by the board.

Senator Flakoll asked if the board discussed checks and balances and getting fees approved by the general membership.

Mr. Ulmer stated that the board has the authority to set fees within the ranges established in the law without membership approval but in practice they do ask for approval by their members.

Senator Erbele asked how long the current fee schedule has been in place.

Mr. Ulmer stated they have been using the current fee schedule since 1973.

Senator Erbele asked if the committee was to amend the bill with the fee ranges just suggested by

Mr. Ulmer, there would be no problem with the need to increase fees in the next biennium.

Mr. Ulmer said no problem.

Senator Urlacher asked if it were left to the board to establish the fees, with no fee ranges, there would be no limits established.

Mr. Ulmer stated the fees would then be at the discretion of the board and while they have always tried to keep the fees as low as possible, side boards would provide some limits.

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Bill/Resolution Number SB 2131
Hearing Date 01/16/03

Senator Klein stated he would like to have some proposed side boards in writing from Mr. Ulmer in the event the committee wants to amend the bill.

Mr. Ulmer will provide the written proposed side boards in a timely manner.

Chairman Flakoll closed the hearing on SB 2131.

Senator Klein stated he will probably be looking at adding some side boards.

Senator Nichols stated there is quite a range in the recommended side boards.

Senator Klein said it is unusual to see a range for fees in the code.

Senator Urlacher stated open fees develops some questions in the mind of legislators and a "cap" makes things more acceptable and still allows the board to conduct its own business within the ranges.

Senator Flakoll agreed that legislators would be uncomfortable with leaving the fees open.

Senator Klein suggested that the Senate Agriculture Committee intern, Dan Braaten draft an amendment using the new ranges.

Senator Flakoll recommended that Senator Klein assist Dan Braaten in drafting a proposed amendment since he has not done an amendment yet.

Senator Urlacher agreed this is a good idea and Dan Braaten can run the amendment by his supervisors in the legislative council. (meter # 1701)

Chairman Flakoll called a recess until 10:00 AM.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2131

Senate Agriculture Committee

Conference Committee

Hearing Date 01/17/03

Tape Number	Side A	Side B	Meter #
1	x		1553 - 2302
1	x		3150 - 3379
Committee Clerk Signature 			

Minutes:

Senator Klein said he is troubled by the wide range in the proposed fee structure. He wanted to draft an amendment with the ranges of numbers suggested by Mr. Ulmer. The proposed changes as suggested by Mr. Ulmer would be:

- Line 11 \$50 - \$500
- Line 17 \$50 - \$300
- Line 19 \$25 - \$100
- Line 21 \$100 - \$300

Senator Klein received an email from Mr. Ulmer and he discussed adding side boards with the State Board of Professional Soil Classifiers and they are in agreement with the change to the bill.

Senator Flakoll said he would prefer using one sidebar, as in "not to exceed" or "not greater than". He would also prefer addressing the use of the national test and its fee as a separate fee since that is the reason the range on the examination fee is so wide.

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Bill/Resolution Number SB 2131
Hearing Date 01/17/03

Senator Urlacher asked if Senator Flakoll was referring to a set number.

Senator Flakoll said he would prefer the language "may not exceed".

Senator Nichols asked if the national test situation applied to just one of the fees?

Senator Flakoll said yes, the national fee applies only to one fee.

Senator Erbele asked if the soil classifiers can get classified in different areas and are different fees charged for various areas?

Senator Flakoll didn't think there were different levels of testing..

Senator Klein stated that going from \$25 to \$500 seems like a big increase.

Senator Seymour said we don't want to change the fee every session.

Senator Flakoll thought there was room for growth in the fee range.

Senator Klein will call Mr. Ulmer regarding the line 11 fee of \$500 which is the most glaring increase.

Senator Flakoll recommended two different levels, one for state test, one for national test (meter 2300).

(meter 3150) After a recess, Senator Klein reported that Mr. Ulmer is out of the office until Tuesday. He will contact him after he returns and get his input for the committee.

Chairman Flakoll adjourned the meeting of the Senate Agriculture Committee.

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2131

Senate Agriculture Committee

Conference Committee

Hearing Date 01/23/03

Tape Number	Side A	Side B	Meter #
1	x		1631 - 2644

Committee Clerk Signature 

Minutes:

Chairman Flakoll opened the discussion on SB 2131. All members were present.

Senator Klein presented a proposed amendment to SB 2131 to establish a range of fees instead of leaving the fee level at the discretion of the Board of Soil Classifiers and to establish a separate fee if the national test is administered since the fee for the national test is higher. (proposed amendment attached) (meter #1708)

Senator Klein said it seems like a very wide range but the soil classifiers board seems like they are very careful and understand the membership's concerns.


Senator Flakoll asked what Mr. Ulmer's response was to the concept of using only an upper limit.

Senator Klein said Mr. Ulmer did not respond to that question.

Senator Urlacher asked if it would be reasonable to add a line "not to exceed actual costs"?

Senator Flakoll said he thought they used some of the testing fees for administrative costs.

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Senate Agriculture Committee
Bill/Resolution Number SB 2131
Hearing Date 01/23/03

Senator Klein said some cost figures can get fuzzy.

Senator Klein moved and Senator Erbele seconded that the Senate Agriculture Committee take a do pass action on the amendment. Motion passed. Voting for the amendment were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols and Senator Seymour.

No negative votes cast.

It was moved by Senator Klein, seconded by Senator Erbele and passed on a roll call vote that the Senate Agriculture Committee take a do pass as amended action on SB 2131. Voting yes were Senator Flakoll, Senator Erbele, Senator Klein, Senator Urlacher, Senator Nichols, and Senator Seymour. No negative votes were cast. Senator Klein will carry the bill to the floor.

Chairman Flakoll recessed the meeting of the Senate Agriculture Committee.

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FISCAL NOTE
 Requested by Legislative Council
 01/27/2003

Amendment to: SB 2131

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

All revenue comes from fees, examinations, and interest.

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

None.

Name:	Ken Thompson	Agency:	Professional Soil Classifiers
Phone Number:	701-225-3381	Date Prepared:	01/28/2003

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FISCAL NOTE
 Requested by Legislative Council
 01/03/2003

Bill/Resolution No.: SB 2131

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0	\$0	\$0	\$0
Appropriations	\$0	\$0	\$0	\$0	\$0	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

All revenue comes from fees, examinations, and interest.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, the item, and fund affected and the number of FTE positions affected.

C. **Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

None.

Name:	Kenneth W. Thompson	Agency:	Professional Soil Classifiers
Phone Number:	701-225-3381	Date Prepared:	01/06/2003

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JB
1-23-03

PROPOSED AMENDMENTS TO SENATE BILL NO. 2131

- Page 1, line 10, remove the overstrike over "~~of not less~~"
- Page 1, line 11, remove the overstrike over "~~than~~", after "~~five~~" insert "fifty", remove the overstrike over "~~not more than~~", after "~~twenty five~~" insert "two hundred", remove the overstrike over "~~dollars~~", and after the period insert "If the national test is administered, the amount may not exceed five hundred dollars."
- Page 1, line 15, remove the overstrike over "~~board shall establish registration fees provided:~~"
- Page 1, line 16, remove the overstrike over "~~a. The~~" and remove the overstrike over "~~must be at least~~"
- Page 1, line 17, after "~~twenty~~" insert "fifty", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", and remove the overstrike over "~~hundred dollars.~~"
- Page 1, line 18, remove the overstrike over "~~b. The registration fee for~~" and remove the underscored comma
- Page 1, line 19, remove the overstrike over "~~must be at least~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~dollars but not more than~~", after "~~fifty~~" insert "one hundred", and remove the overstrike over "~~dollars.~~"
- Page 1, line 20, remove the overstrike over "~~e. The registration fee for~~" and remove ", and"
- Page 1, line 21, remove the overstrike over "~~at least~~", after "~~fifty~~" insert "one hundred", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", remove the overstrike over "~~hundred dollars~~", and remove "established by the"
- Page 1, line 22, remove "board"
- Page 2, line 9, remove the overstrike over "~~of not less than~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~not more than~~", after "~~twenty five~~" insert "fifty", and remove the overstrike over "~~dollars~~"
- Re-number accordingly

SB 2131

Date: 1/23/03
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number 38084.0101

Action Taken Do Pass Amendment

Motion Made By Sen. Klein Seconded By Sen Erbele

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

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Yvonnea J. Lee Operator's Signature 10-16-03 Date

SB 2131

Date: 1/23/03

Roll Call Vote #: 2

**2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.**

Senate Agriculture Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass As Amended

Motion Made By Sen. Klein Seconded By Sen. Erbele

Senators	Yes	No	Senators	Yes	No
Senator Tim Flakoll, Chair	✓		Senator Ronald Nichols	✓	
Senator Robert S. Erbele, V. Chair	✓		Senator Tom Seymour	✓	
Senator Jerry Klein	✓				
Senator Herb Urlacher	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Sen. Klein

If the vote is on an amendment, briefly indicate intent:

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REPORT OF STANDING COMMITTEE

SB 2131: Agriculture Committee (Sen. Flakoll, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~of not less~~"

Page 1, line 11, remove the overstrike over "~~than~~", after "~~five~~" insert "fifty", remove the overstrike over "~~not more than~~", after "~~twenty-five~~" insert "two hundred", remove the overstrike over "~~dollars~~", and after the period insert "If the national test is administered, the amount may not exceed five hundred dollars."

Page 1, line 15, remove the overstrike over "~~board shall establish registration fees provided~~"

Page 1, line 16, remove the overstrike over "~~a. The~~" and remove the overstrike over "~~must be at least~~"

Page 1, line 17, after "~~twenty~~" insert "fifty", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", and remove the overstrike over "~~hundred dollars.~~"

Page 1, line 18, remove the overstrike over "~~b. The registration fee for~~" and remove the underscored comma

Page 1, line 19, remove the overstrike over "~~must be at least~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~dollars but not more than~~", after "~~fifty~~" insert "one hundred", and remove the overstrike over "~~dollars.~~"

Page 1, line 20, remove the overstrike over "~~e. The registration fee for~~" and remove ", and"

Page 1, line 21, remove the overstrike over "~~at least~~", after "~~fifty~~" insert "one hundred", remove the overstrike over "~~dollars but not more than~~", after "~~one~~" insert "three", remove the overstrike over "~~hundred dollars~~", and remove "~~established by the~~"

Page 1, line 22, remove "board"

Page 2, line 9, remove the overstrike over "~~of not less than~~", after "~~ten~~" insert "twenty-five", remove the overstrike over "~~not more than~~", after "~~twenty-five~~" insert "fifty", and remove the overstrike over "~~dollars~~"

Renumber accordingly

2003 HOUSE AGRICULTURE

SB 2131

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Date

10-16-03

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2131

House Agriculture Committee

Conference Committee

Hearing Date 2--28--03

Tape Number	Side A	Side B	Meter #
ONE	A		39.5 to END
ONE		B	00 to 9.6
Committee Clerk Signature <i>Edward D. Clifton</i>			

Minutes:

CHAIRMAN NICHOLAS: Committee Members, we will open on SB 2131.

KEN THOMPSON: I am from Dickinson. I am a member of the State Board of Soil Classifiers. I also server as secretary treasure. Our board is asking for an amendment. The amendments that we are asking for is to have a monetary fees that we are charging. For examination and registration. We feel that the dollar amounts are not longer realistic.

{{{please see the testimony from Ken Thompson as to increase in fees}}}

The examination fee was originally set at \$25.00. We figure it cost at least \$200.00 dollars every time we give the examination. We probable loose \$200.00. We are considering going to a National examination. There are two different exams that they give. They are \$100.00 per test. You can see what we are looking at. Registration fees were originally set for non practicing at \$20.00 and practicing not to exceed \$100.00. We feel that is not realistic anymore. We are a pretty low budget board. Our annual budget is probably less then

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House Agriculture Committee
Bill/Resolution Number SB 2131
Hearing Date 2---28--03

\$2,000.00. It is getting more and more difficult for us to maintain a cash balance. I guess that is all I have to say. Are there any questions?

CHAIRMAN NICHOLAS: Rep. Onstad.

REP. ONSTAD: The range from \$5.00 to \$25,00. Why is there not just one set fee for this exam. Say a hundred or two hundred. Are there different levels. Why.

KEN THOMPSON: Mike Ulmer is with us today. He is the chairman of the board. He met with the Senate Committee. When I originally drafted this I left out all dollars. I left it for the discretion of the board. The committee would not accept that. They wanted a range. They said to increase that, come back to the legislator. We were told to put a range into the amendment. I would have preferred to leave it up to the board. That is why the range was put in. Pretty broad range.

REPRESENTATIVE BOEHRING: I have a problem with the range. There from fifty to two hundred and up to five hundred if the National Exam is met. Another whole item there. What am I getting for fifty bucks or two hundred bucks. What am I going to get for it.

MIKE ULMER; Professional soil classifier. The original was five to twenty five. Basically that was the original law. Basically we went up ten times to get that. The amount is established by the board annually. We are recommending this year \$160.00 or \$180.00 dollars for registration.

KEN THOMPSON: We would have preferred to establish a single figure. But the problem comes in, in two years or five years we may be back asking for another change. This gives us the option to work within this range.

KEN THOMPSON: The ranges were put in here at request of Senate.

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House Agriculture Committee
Bill/Resolution Number SB 2131
Hearing Date 2---28--03

{{{{(There was additional conversation as to as to range)}}}}

REPRESENTATIVE KELSCH: As to the range. Time after time people come in for increase.
That is why we went to range. It makes sense.

Ken THOMPSON; We are unique in ND We give a field test. It is designed so that people coming from out of state show an aptitude and knowledge. That is what gets so expensive.
We have to find a field sight One or two classifiers has to go out. Arrange for test.. Two hundred dollars worth of National Tests. Study guides. Then our cost in giving this field test.
That why we have the range.

CHAIRMAN NICHOLAS: Any other questions.

CHAIRMAN NICHOLAS : Committee Members, what are your wishes on SB 2131?

REPRESENTATIVE KELSCH MOVED FOR A DO PASS.

REPRESENTATIVE KREDIT SECONDED THE MOTION.

THE ROLL WAS TAKE. THERE WERE 8 DO PASS 5 NO AND 0 ABSENT

REPRESENTATIVE KELSCH CARRIED THE BILL.

CHAIRMAN NICHOLAS CLOSED ON SB 2131

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Yvonne J. Lee
Operator's Signature

10-16-03
Date

SB 2131
2-28-03

Date:
Roll Call Vote #:

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

House AGRICULTURE COMMITTEE

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By KELSON Seconded By KREIDT

Representatives	Yes	No	Representatives	Yes	No
CHAIRMAN NICHOLAS	X				
VICE CHAIRMAN POLLERT		X			
REPRESENTATIVE BELTER	X				
REPRESENTATIVE BOEHNING		X			
REPRESENTATIVE KELSCH	X				
REPRESENTATIVE KINGSBURY	X				
REPRESENTATIVE KREIDT	X				
REPRESENTATIVE UGLEM	X				
REPRESENTATIVE WRANGHAM		X			
REPRESENTATIVE BOE		X			
REPRESENTATIVE FROELICH		X			
REPRESENTATIVE MELLER	X				
REPRESENTATIVE ONSTAD	X				

Total (Yes) 8 No 5

Absent 0

Floor Assignment KELSON

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Yubereca d. Lee
Operator's Signature

10-16-03
Date

REPORT OF STANDING COMMITTEE (410)
March 3, 2003 9:42 a.m.

Module No: HR-37-3714
Carrier: R. Kelsch
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE
SB 2131, as engrossed: Agriculture Committee (Rep. Nicholas, Chairman) recommends
DO PASS (8 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2131
was placed on the Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-37-3714

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2003 TESTIMONY

SB 2131

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Yuberena d. Lee
Operator's Signature

10-16-03
Date

Senate Bill No. 2131.

Changes to amend the North Dakota Century Code related to the registration of Professional Soil Classifiers:

Mike Ulmer
Chairman, North Dakota State Board for Professional Soil Classifiers

The State Board of Professional Soil Classifiers is an entity established to license Soil Classifiers in the state. It has three professional members and two lay members appointed by the Governor.

Proposed Changes

1. Change the fee required for the application to become a Professional Soil Classifier:

Presently \$5 to 25

Proposed Change: allow the fee to be established by the Board of Registration

2. Change the annual registration fees for in-state Professional Soil Classifiers, in-state Soil Classifier in Training, and out-of-state Professional Soil Classifiers:

Presently \$20 to 100; \$10 to 50, and \$50 to 100, respectively

Proposed Change: allow the fee to be established by the Board of Registration

3. Change the fee for reexamination:

Presently \$10 to 25

Proposed Change: allow the fee to be established by the Board of Registration

Justification

There has been no change in the examination fees since the law was enacted in 1973. Our expenses have increased over the past 30 years to the point where examinations are costing us money. Annual registration fees have also been constant over the past 30 years (\$100). We feel raising these fees is justified by the economic changes.

We are requesting flexibility be given to the Board to set fees. This would eliminate the need to approach the legislature for similar changes in the future and allow us to keep abreast of economic changes.

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Yherosa J. Lee
Operator's Signature

10-16-03
Date

Mike Ulmer

38084.0100

Fifty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2131

Introduced by

Agriculture Committee

(At the request of the Board of Registration for Professional Soil Classifiers)

1 A BILL for an Act to amend and reenact sections 43-36-14, 43-36-15, and 43-36-16 of the North
2 Dakota Century Code, relating to soil classifier application and registration fees.

3 BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

4 SECTION 1. AMENDMENT. Section 43-36-14 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 43-36-14. Application for registration. Application for registration as a professional
7 soil classifier and for certification as a soil classifier-in-training must be on a form prescribed
8 and furnished by the board, must contain statements made under oath showing the applicant's
9 education, a detailed summary of the applicant's experience, and references as required by this
10 chapter and must be accompanied by an application fee established by the board of not less
11 than ~~five nor more than twenty-five dollars.~~ 50-300 (100)

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

14 43-36-15. Registration fees.

- 15 1. ~~The board shall establish registration fees provided:~~
 - 16 a. ~~The registration fee for in-state professional soil classifiers must be at least~~
17 ~~twenty dollars but not more than one hundred dollars.~~ 50-300 (100)
 - 18 b. ~~The registration fee for, in-state soil classifier-in-training certification or~~
19 ~~enrollment must be at least ten dollars but not more than fifty dollars.~~ 25-100 (50)
 - 20 c. ~~The registration fee for, and out-of-state professional soil classifiers must be~~
21 ~~at least fifty dollars but not more than one hundred dollars established by the~~ 100-300 (100)
22 board.
- 23 2. If the board denies the issuance of a certificate to an applicant, the board shall
24 retain the application fee.

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10-16-03
Date

Fifty-eighth
Legislative Assembly

1 **SECTION 3. AMENDMENT.** Section 43-36-16 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **43-36-16. Examinations.** Examinations must be held at such times and places as the
4 board determines. Examinations required on fundamental soil subjects may be taken at any
5 time prescribed by the board. The final examinations may not be taken until the applicant has
6 completed a period of soil classifying experience as provided in this chapter. The passing
7 grade on any examination may not be less than seventy percent. A candidate failing one
8 examination may apply for reexamination, which may be granted upon payment of a fee
9 established by the board ~~of not less than ten nor more than twenty five dollars.~~ Any candidate 25-50 (25)
10 for registration having an average grade of less than fifty percent may not apply for
11 reexamination for a period of one year from the date of such examination.

Page No. 2

38084.0100

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Operator's Signature

10-16-03
Date

Senate Bill No. 2131.

Changes to amend the North Dakota Century Code related to the registration of Professional Soil Classifiers:

Ken Thompson
Secretary-Treasure, North Dakota State Board for Professional Soil Classifiers

The State Board of Professional Soil Classifiers is an entity established to license Soil Classifiers in the state. It has three professional members and two lay members; all appointed by the Governor.

Proposed Changes

1. Change the fee required for the application to become a Professional Soil Classifier:

Presently \$5 to 25

Proposed Change: \$50 to 200. Up to \$500 if a national exam is given

2. Change the annual registration fees for in-state Professional Soil Classifiers, in-state Soil Classifier in Training, and out-of-state Professional Soil Classifiers:

Presently \$20 to 100; \$10 to 50, and \$50 to 100, respectively

Proposed Change: \$50 to 300, \$25 to 100, \$100 to \$300, respectively

3. Change the fee for reexamination:

Presently \$10 to 25

Proposed Change: \$25 to 50

Justification

There has been no change in the examination fees since the law was enacted in 1973. Our expenses have increased over the past 30 years to the point where examinations are costing us money. Annual registration fees have also been constant over the past 30 years (\$100). We feel raising these fees is justified by economic changes.

Because of reciprocity issues, here is potential we will need to begin giving a national test in addition to our field test. This national test can cost up to \$300.

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