

FISCAL NOTE
Requested by Legislative Council
12/23/2016

Revised
 Bill/Resolution No.: HB 1094

- 1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures		\$1,911		\$3,822		\$3,822
Appropriations						

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

A Bill for an Act to amend and reenact section 43-04-07 of the North Dakota Century Code, relating to per diem for Board of Barber Examiners Board Members.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

43-04-07 Increases the maximum daily compensation amount from \$62.00 to \$100.00. The Board plans to only use \$75.00, but is asking for a cap of \$100.00 to allow for future use.

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 \$0.00

- 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.*

Increase in expenditures for the North Dakota State Board of Barber Examiners is \$1,911.00 based on an average of 147 days per year. Currently with a average of 147 days per year of per diem, multiplied by \$62.00 equals \$9,114.00. Under the new law and with the Board using \$75.00 per day of per diem it would equal \$11,025 per year for a difference of \$1,911.00 per year.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

All \$0.00

Name: Tona Stevenson

Agency: ND State Barber Board

Telephone: 701-837-0826

Date Prepared: 01/04/2017

FISCAL NOTE
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	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$32,110					
Expenditures	\$24,304					
Appropriations						

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	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
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- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

No fiscal impact on the State. The North Dakota State Board of Barber Examiners is funded by the Barber Association.

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No fiscal impact on the State. The North Dakota State Board of Barber Examiners is funded by the Barber Association.

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Agency: ND State Barber Board

Telephone: 701-837-0826

Date Prepared: 01/04/2017

2017 HOUSE INDUSTRY, BUSINESS, AND LABOR

HB 1094

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1094
1/4/2017
26538

- Subcommittee
 Conference Committee

Sellen deTangy

Explanation or reason for introduction of bill/resolution:

Per diem for board of barber examiners board members.

Minutes:

Rep Lefor: Update the committee. Talked with Tona Stevenson~Executive Director for the Barber's Examiners. I asked about the removal of apprentices. She said that it was no longer necessary. Increasing the per diem from \$60 to \$100 is money from their funds & it has nothing to do with state funds. Their board unanimously approved the raise.

Chairman Keiser: It is state dollars collected through membership registration, but they do pay out of a special fund (barber's board fund).

Chairman Keiser: Introduces the bill because the barbers reprehensive was not in attendance. The bill increases amount from \$60 to \$100, not to exceed to \$100 a day for actual costs for attending meeting, etc.

Rep Ruby: I don't see where raising their fees to the members, so they must have adequate funds otherwise they would be asking for an increase.

Chairman Keiser: Rep Lefor, ask them how solid is the fund.

Rep Lefor: I'm going to ask questions. I was going to ask was, "what is your total revenue per year". I will see is I can get a revenue and expense & what impact that will increase their expenditures.

Chairman Keiser: Ask the percentage increase & why.

Chairman Keiser: What are the wishes of the committee?

Vice Chairman Sukut: Moves a Do Pass.

Rep Boschee: Second.

Roll call was taken for a Do Pass with 10 yes, 3 no & 1 absent & the carrier is Rep Lefor.

2017 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

HB 1094
1/11/2017
26805

- Subcommittee
 Conference Committee

Ellen Letang

Explanation or reason for introduction of bill/resolution:

Per diem for board members.

Minutes:

Attachment 1, 2

Chairman Keiser: Reopens the hearing of HB 1094.

Paul Ellerkamp~Vice President of the ND State Board of Barber Examiners:
Attachment 1.

Rep Kasper: How many barbers are there in the state of ND?

Ellerkamp: Around 220.

Rep Kasper: How many board members?

Ellerkamp: Three.

Rep Kasper: Must you travel to each one of these locations every year.

Ellerkamp: That is correct.

Rep Kasper: In addition to your per diem, are you allowed mileage?

Ellerkamp: Correct

Rep Bosch: How do you determine the \$100, did you consider a state rate?

Ellerkamp: From what I understand, the state rate is around \$98, but with our small budget that we have, we didn't feel comfortable using that amount at the time. When we were at legislation last time, you came up with the \$62 amount. We are asking for the increase, so we don't have to come here in 3 to 10 years. We wanted some flexibility.

Chairman Keiser: Are you comfortable explaining the fiscal note?

Ellerkamp: That will increase, because it will basically be doubling; allows those expenditures.

Chairman Keiser: Who wrote the fiscal note? Right now you are showing revenues of \$32,110. Tona, can you come up to the podium.

Tona Stevenson~ND Barber Board-Secretary: No, that's not right. Attachment 2.

Chairman Keiser: You're showing expenditures from other funds in the current biennium

Rep Lefor: I believe the fiscal note reflect the increase revenue if it went to \$75.

Chairman Keiser: Typically, that would come under the revenue column, not expenditure column? This is why it's so confusing.

Stevenson: I worked with someone and she explained that was where she wanted me to insert it in the general fund expenditures.

Chairman Keiser: You do have the expenditures identified, but you don't have the increased revenue.

Rep Lefor: Tona showed me the figures. The revenue is \$32,110 for 2016, the expense, \$24,300, income from operations, \$7,800, the per diem cost, which is the \$62 is \$9,462 of the \$24,000. The reserve funds are shown, what I did was I took the \$9,462 & divide by \$62 per day, the fiscal note reflects 1476 days. When I did the math, it's in the neighborhood of \$162.

Chairman Keiser: There is no increase on the revenue side on the fiscal note.

Edward Erickson~Representing the Attorney General's Office: The Attorney General's office is not taking any position on HB 1094. In terms of the fiscal effect, there is no effect on revenues. This bill will not result in an increase in licensing fees.

Chairman Keiser: This is just a per diem?

Erickson: Yes.

Rep Lefor: Motions to reconsider our actions.

Rep Kasper: Second.

Voice vote-motion carried.

Rep Lefor: In review of the financials, basically, they would like it to \$75. I would ask to amend the bill reflect the bill for \$75 versus the \$100. It would be easier to sell on the floor because the increase will not be so great.

Chairman Keiser: On line 8, page 1, the amount not to exceed \$75.

Rep Lefor: Motions for the amount on line 8, page 1, not to exceed \$75.

Vice Chairman Sukut: Second.

Rep Kasper: I'll resist that motion; I would rather keep it at \$100.

Rep Dobervich: I will keep my no vote.

Rep Becker: Their plan is to charge \$75, in their estimation, it is enough. The question about the \$100, to prevent them from coming back in another 10 years. I will be a yes vote.

Rep Dobervich: It is my understanding is to use \$75 but if they have available \$100, so in the instances that it may cost them more, it could go up to \$100? I would like some clarification.

Ellerkamp: The answer is no; we do not have a flex scale.

Rep Bosch: This seems to me that there should be a standard state rate & not have to figure out a dollar amount.

Rep Lefor: It's your association's decision to go from \$65 to \$75?

Ellerkamp: Yes, from \$62 to \$75.

Roll call vote to further amend with 7 yes, 7 no, motion fails due to a lack of a majority.

Rep Kasper: Moves a Do Pass on HB 1094.

Rep Boschee: Second.

Roll call was taken for a Do Pass on HB 1094 with 9 yes, 5 no, 0 absent & Rep O'Brien is the new carrier.

Date: Jan 4, 2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1094

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or
Description: _____

Recommendation

- Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar

Other Actions

- Reconsider _____

Motion Made By Vice Chairman Sukut Seconded By Rep Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor	X	
Rep Beadle		X	Rep Louser	X	
Rep R Becker	X		Rep O'Brien	X	
Rep Bosch	Ab		Rep Ruby		X
Rep C Johnson	X		Rep Boschee	X	
Rep Kasper		X	Rep Dobervich	X	

Total (Yes) 10 No 3

Absent 1

Floor Assignment Rep Lefor

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

Date: Jan 11, 2017

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1094

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Refer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Lefor Seconded By Rep Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Rep Laning		
Vice Chairman Sukut			Rep Lefor		
Rep Beadle			Rep Louser		
Rep R Becker			Rep O'Brien		
Rep Bosch			Rep Ruby		
Rep C Johnson			Rep Boschee		
Rep Kasper			Rep Dobervich		

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____ Voice vote ~ Motion carried

reconsider the motion

Date: Jan 11, 2017

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1094

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar
- Other Actions Reconsider _____

Motion Made By Rep Lefor Seconded By Rep Sukut

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor	X	
Rep Beadle		X	Rep Louser		X
Rep R Becker	X		Rep O'Brien	X	
Rep Bosch		X	Rep Ruby	X	
Rep C Johnson		X	Rep Boschee		X
Rep Kasper		X	Rep Dobervich		X

Total (Yes) 7 No 7

Absent _____

Floor Assignment _____ Voice vote ~ ~~Motion~~ carried

voice vote - motion failed due to the lack of a majority
line 8, pg 1 - amt not to exceed \$75

Date: Jan 11, 2017

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1094

House _____ Industry, Business and Labor _____ Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

- Adopt Amendment
- Do Pass Do Not Pass Without Committee Recommendation
- As Amended Rerefer to Appropriations
- Place on Consent Calendar

Other Actions Reconsider _____

Motion Made By Rep Kasper Seconded By Rep Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Rep Laning	X	
Vice Chairman Sukut	X		Rep Lefor		X
Rep Beadle		X	Rep Louser	X	
Rep R Becker		X	Rep O'Brien	X	
Rep Bosch		X	Rep Ruby		X
Rep C Johnson	X		Rep Boschee	X	
Rep Kasper	X		Rep Dobervich	X	

Total (Yes) 9 No 5

Absent 0

Floor Assignment Rep O'Brien

REPORT OF STANDING COMMITTEE

HB 1094: Industry, Business and Labor Committee (Rep. Keiser, Chairman)
recommends **DO PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING).
HB 1094 was placed on the Eleventh order on the calendar.

2017 SENATE INDUSTRY, BUSINESS AND LABOR

HB 1094

2017 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

HB 1094
2/14/2017
Job Number 28322

- Subcommittee
 Conference Committee

Committee Clerk Signature

Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to per diem for board of barber examiners board members

Minutes:

Attachment 1

Chairman Klein: Called the committee back to order.

Tona Stevenson, Secretary/Treasurer, North Dakota State Board of Barber Examiners: Written testimony, see attachment #1. (:36-2:01)

Chairman Klein: What do the barbershops pay for licensing, is it a graduated fee?

Tona Stevenson: It is renewed annually and it is fifty dollars for the barbershop license fee and one hundred for the master barber license fee, both due June 30th annually.

Chairman Klein: A barbershop would automatically have to pay the fifty dollars and then each barber would have to kick in for their license?

Tona Stevenson: Correct.

Chairman Klein: And that's how you operate from the revenue that is generated from the shops?

Tona Stevenson: Yes, from all of our fees collected.

Chairman Klein: So you don't have a big ending fund balance do you?

Tona Stevenson: No.

Chairman Klein: You operate on not a very big budget?

Tona Stevenson: Correct. Just to answer your questions on that. My last fiscal report that I submitted, our total inflows were about 29,000 dollars for all of our annual fees but our outflows, our expenses were about 19,000 dollars. So you have that difference of about

10,000 which we have in a savings account and our checking balance right now is 60,000 dollars.

Senator Burckhard: How many board members are there?

Tona Stevenson: Three.

Senator Burckhard: That second to last paragraph says that the board plans to use only 75 dollars of the 100-dollar compensation to allow for future use. What does that mean?

Tona Stevenson: We would like to have the hundred dollars last us for another twenty years, just like we did the last twenty years with the sixty-two dollar cap. We just recently in the last three years started using the highest amount of sixty-two dollars. The reason we want that hundred-dollar cap is this is a lot of work for us and a lot of expense to come here when you add up all the legal fees to get to this point.

Chairman Klein: Certainly we can look back at twenty years and see what compensation has changed for a lot of things.

Senator Roers: How do members get elected and who monitors the expenditures that you are talking about?

Tona Stevenson: We have an annual state barber convention and at our association meeting we are nominated from the floor for the board. We submit a list of five names to the Governor and then the Governor appoints us for three year terms.

Chairman Klein: Is it all barbers.

Tona Stevenson: Yes.

Chairman Klein: There are no public members?

Tona Stevenson: No public members.

Senator Roers: Your three members are not elected by the membership. They are appointed by the Governor?

Tona Stevenson: Yes.

Senator Roers: If someone felt like you were spending ninety-two dollars of their money instead of the hundred, how would that get corrected? Where is the accountability, the check and balance?

Tona Stevenson: We work directly with the association board. We have an association board of seven members and we meet with them four times a year as well. I submit an annual fiscal report to them as well so they see our spending. I give a financial report at our convention to all of the barbers that come to the convention so they can see how the money is spent. We have discussed this with them as well at our convention and at our meetings

that this needs to be done. We spend a lot of money out of pocket and we are trying to eliminate how much we spend out of pocket to do this.

Senator Roers: Is there term limits for the members?

Tona Stevenson: I have been on the state board since 1996 and I served for ten years before that on the association board. We have been fortunate to have very good people to serve on our barber board because they care about this profession but the board members do tend to stay on for quite some time because it is hard to convince people to give up their time.

Chairman Klein: The Governor can remove you also?

Tona Stevenson: Absolutely.

Chairman Klein: Do you have a someone from the attorney general's office to help your group?

Tona Stevenson: Yes, we have Everett Erickson.

Senator Casper: Just to be one hundred percent clear, the board of barber examiners are going to be able to cash flow this change based on current fees. So we wouldn't be raising fees on anyone and we would be raising the compensation and also you are able to cover that right now based on the funds that are coming in annually?

Tona Stevenson: Yes.

Chairman Klein: Closed the hearing.

Senator Casper moved a do pass.

Senator Burckhard seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Marcellais will carry the bill.

**2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1094**

Senate Industry, Business and Labor Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation: Adopt Amendment
 Do Pass Do Not Pass Without Committee Recommendation
 As Amended Rerefer to Appropriations
 Place on Consent Calendar
 Other Actions: Reconsider _____

Motion Made By Senator Casper Seconded By Senator Burckhard

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Marcellais	x	
Vice Chairman Campbell	x				
Senator Roers	x				
Senator Burckhard	x				
Senator Casper	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Marcellais

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

REPORT OF STANDING COMMITTEE

HB 1094: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1094

Testimony from the State Board of Barber Examiners on House Bill No. 1094

Paul Ellerkamp, Vice President

January, 11th, 2017

Good afternoon. Chairman Kaiser and members of the committee. I am Paul Ellerkamp, Vice President of the North Dakota State Board of Barber Examiners. I am also a Barber and owner of Big Sky Barber Shop in Dickinson North Dakota. It is my pleasure to be here today to testify on our House Bill No. 1094

This Bill is for an Act to amend and reenact section 43-04-07 of the North Dakota Century Code, relating to per diem for board of barber examiners members. In Section 1, line 8, you will see that we are asking for the current compensation amount of \$62.00, to be raised to \$100.00. The last time our board appeared at legislation and raised our compensation was 20 years ago, in 1997.

Expenses required to carry out the duties of the board members have increased significantly in the last twenty years. We spend a great deal of time traveling to inspect barber shops, give exams and attend meetings.

The board plans to use only \$75.00 of the \$100.00 compensation to allow for future use. As Board members, we try to keep our expenses at a minimum and operate responsibly for the good of the Barber Association.

Thank you for your time and consideration of House Bill No. 1094. I would be happy to answer any questions in this matter.

Paul Ellerkamp, Vice President

North Dakota State Board of Barber Examiners

Jan 11, 2017

2

17.8020.01000

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Each board member performs board duties 4 x a month. All for duties that involve travel.

pg 1

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All \$0.00

Name: Tona Stevenson

Agency: ND State Barber Board

Telephone: 701-837-0826

Date Prepared: 01/04/2017

2016	
ND Barber Examiners	
Revenue	32110
Expense	-24304.21
Income from Operations	7805.79
2016 Per Diem Cost	9462
Reserve Funds	
Checking	60853.18
Savings	10158.89
Total	71012.07
9462/62 Per Day	152.61 Days
152 x 75	11552
152 x 100	15200
Last increase 1997	

Testimony from the State Board of Barber Examiners on House Bill No. 1094

Tona Stevenson Secretary/Treasurer

February 14th, 2017

Good morning. Chairman Klein and members of the committee. I am Tona Stevenson, Secretary/Treasurer of the North Dakota State Board of Barber Examiners. It is my pleasure to be here today to testify on our House Bill No. 1094

This Bill is for an Act to amend and reenact section 43-04-07 of the North Dakota Century Code, relating to per diem for board of barber examiners members. In Section 1, line 8, you will see that we are asking for the current compensation amount of \$62.00, to be raised to \$100.00. The last time our board appeared at legislation and raised our compensation was 20 years ago, in 1997.

Expenses required to carry out the duties of the board members have increased significantly in the last twenty years. We spend a great deal of time traveling to inspect barber shops, give exams and attend meetings.

The board plans to use only \$75.00 of the \$100.00 compensation to allow for future use. As Board members, we try to keep our expenses at a minimum and operate responsibly for the good of the Barber Association.

Thank you for your time and consideration of House Bill No. 1094. I would be happy to answer any questions in this matter.

Tona Stevenson Secretary/Treasurer

North Dakota State Board of Barber Examiners