

1999 SENATE AGRICULTURE

SB 2190

1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190

Senate Agriculture Committee

Conference Committee

Hearing Date 1/21/99

Tape Number	Side A	Side B	Meter #
1	X		5-2330
Committee Clerk Signature <i>Tricia Jorgensen</i>			

Minutes:

Senator Wanzek called the meeting to order. Roll call was taken, all were present.

Senator Wanzek opened the hearing on SB 2190.

Senator Wardner introduced the bill. The bill was put in for Ken Thompson. It is basically a cleanup bill and there is one change.

Senator Sand: If it hadn't been your job would you have gone for \$62.50?

Senator Wardner: Probably not.

Kenneth Thompson from ND State Board of Registration for Professional Soil Classifiers spoke in support of the bill. Testimony enclosed.

Senator Sand: How many professional classifiers are there in ND?

Ken Thompson: I think there are only about 40.

Senator Sand: It takes 4 years and some on the job training to qualify for this job?

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Senate Agriculture Committee
Bill/Resolution Number Sb 2190
Hearing Date 1/21/99

Ken Thompson: You have to have a degree in soil, be working in the soil field, 4-5 years experience in working in the field. Written test and a field exam.

Senator Klein: How do you establish how much the registration fee will be, is there a particular formula?

Ken Thompson: That goes back to 1973 when we were established. It has never changed. There are different classes- pros and nonprofessional.

Senator Klein: How do you determine at least fifty dollars but no more than one hundred?

Ken Thompson: Some of that was put in by the Attorney General.

Senator Urlacher: What is the purpose of testing?

Ken Thompson: To see who is qualified for the job.

Senator Urlacher: And that goes to who, your doing for the individual?

Ken Thompson: Yes.

Senator Urlacher: The end result goes for individual purposes?

Ken Thompson: Yes.

Senator Wanzek: What exactly do you do in your job in the field?

Ken Thompson: Initially it was working with the Mining Companies, determining the quality of the soil. Since then its branched into many things, some counties require people to have a soil classifier check the soil before they can build a house, insuring companies and so forth.

Senator Wanzek: Are you an independent contractor?

Ken Thompson: Yes.

Senator Kinnoin: Are there professional soil contractors through the NRCS?

Ken Thompson: Yes

Senator Sand: The work of soil scientists greatly influence the ability of the tax commissioner?

Ken Thompson: Yes, but that work is done through the agency.

Senator Kroeplin: Are the classifiers working at NRCS licensed too?

Ken Thompson: Some are but the don't have to be.

Senator Kroeplin: Who certifies them?

Ken Thompson: The agency.

Senator Kinnoin: It's not that those individuals aren't qualified they just don't have to be registered because they work for the federal agency.

Ken Thompson: Yes.

Senator Klein: Their money is not state money?

Ken Thompson: Right, state boards are not appropriated.

Senator Wanzek: The fees go to the board.

Ken Thompson: Yes.

Senator Wanzek: Aren't you required to run it through the state?

Senator Kinnoin: They are now but there is a bill to change that.

Senator Urlacher spoke to support the bill, stated that it allows private industry to find qualified people to work.

Senator Wanzek closed the hearing on SB 2190.

Senator Senator made the motion for a Do Pass.

Senator Klein made the second.

Motion carried.

ROLL CALL: 7 Yes, 0 No

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Senate Agriculture Committee
Bill/Resolution Number Sb 2190
Hearing Date 1/21/99

CARRIER: Senator Urlacher

JAN 11 1999

FISCAL NOTE

(Return original and 10 copies)

Bill/Resolution No.: SB 2190 Amendment to: _____

Requested by Legislative Council _____ Date of Request: 1-7-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts.

Narrative: None. We do not anticipate additional fees will be needed. We do not receive state appropriations.

2. State fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Special Funds	General Fund	Special Funds	General Fund	Special Funds
Revenues:	None	None	None	None	None	None
Expenditures:	None	None	None	None	None	None

3. What, if any, is the effect of this measure on the appropriation for your agency or department:

- a. For rest of 1997-99 biennium: None
- b. For the 1999-2001 biennium: None
- c. For the 2001-03 biennium: None

4. County, City, and School District fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts
None	None	None	None	None	None	None	None	None

If additional space is needed, attach a supplemental sheet.

Signed Kenneth W. Thompson

Typed Name Kenneth W. Thompson

Date Prepared: 1-9-99

Department St. Board Prof. Soil Class.

Phone Number 701 225 3381

Date: 4/21
Roll Call Vote #: 1

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2190

Senate Agriculture Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do pass

Motion Made By Senator Sand Seconded By Senator Klein

Senators	Yes	No	Senators	Yes	No
Senator Wanzek	✓				
Senator Klein	✓				
Senator Sand	✓				
Senator Urlacher	✓				
Senator Kinnoin	✓				
Senator Kroeplin	✓				
Senator Mathern	✓				

Total (Yes) 7 No 0

Absent _____

Floor Assignment Senator Urlacher

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

REPORT OF STANDING COMMITTEE (410)
January 21, 1999 12:01 p.m.

Module No: SR-13-0966
Carrier: Urlacher
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2190: Agriculture Committee (Sen. Wanzek, Chairman) recommends DO PASS
(7 YEAS, 0 NAYS, ABSENT AND NOT VOTING). SB 2190 was placed on the
Eleventh order on the calendar.

1999 HOUSE AGRICULTURE

SB 2190

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2190

House Agriculture Committee

Conference Committee

Hearing Date 2-25-99

Tape Number	Side A	Side B	Meter #
One SB 2190		x	16.0 to 29.0
Committee Clerk Signature <i>Arlin Hanson</i>			

Minutes:

Summary of bill: Relates to state board of registration for professional soil classifiers, reciprocal registration and reg. fees.

Sen Wardner: Sponsor of bill. The Head man for the St Board of Reg Professional Soil classifiers lives up the street from me in Dickenson and when he said they needed someone to sponsor the bill I said I would to it. What this doesn't basically is changes the per diem the board members receive for meetings from \$25 to \$62.50 per day the same as other boards get. They thought they could change by board decision but realized it's in the Century Code. Some clean up language also in the bill.

Ken Thompson: Sec Treas for ND Registration of Professional Soil Classifiers. (Testimony Attached) Offered some amendments.

Rep Rennerfeldt: Who do you work for?

Ken Thompson: Worked on your farm a few years ago. We work for Local Soil Conservation Districts. To show them what they can do with the different soils. Classify Gravel pits. We do site specific classification.

Rep Koppang: Do you have any formal training to do this?

Ken Thompson: The law specifically states what we have to have for education and what our experience has to be. Any one wanting to work in North Dakota has to have this training and experience.

Rep Stefonowicz: Do you do this for tax purposes?

Ken Thompson: Yes we could.

Rep Mueller: Do you get involved in determining wetlands?

Ken Thompson: No we don't.

Motion by Rep Warner for a DO PASS, second by Rep Renner

VOTE TOTAL.	YES	13	NO	0	ABSENT	2
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Bill carrier.. Rep Herbel

Date: 2-25-99

Roll Call Vote #:

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2190

House AGRICULTURE Committee _____

Subcommittee on _____
or

Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By Warner Second By Renner

Representatives	Yes	No	Representatives	Yes	No
Eugene Nicholas, Chaiman	✓		Bob Stefanowicz	✓	
Dennis E. Johnson, Vice Chm	✓				
Thomas T. Brusegaard	✓				
Earl Rennerfeldt	✓				
Chet Pollert	✓				
Dennis J. Renner	✓				
Michael D. Brandenburg					
Gil Herbel	✓				
Rick Berg	✓				
Myron Koppang	✓				
John M. Warner	✓				
Rod Froelich	✓				
Robert E. Nowatzki	✓				
Phillip Mueller	✓				

Total (Yes) 13 No 0

Absent 2

Floor Assignment Herbel

1999 TESTIMONY

SB 2190

State Board of Registration for Professional Soil Classifiers

Amend parts of ND Century Code 43-36

Exemption Clause 43-36-24

Notes on those who are exempted from registration: 34-36-24-4

4. Any person regularly employed to perform soil-classifying service solely for his employer; etc. providing for the soil classifying is performed in connection with property, products or services of his employer

Questions as to why someone working for a mining company cannot do this work.

- 1) Mining companies have not allowed employees to prepare the soil inventories on mining areas, even though the employees may be licensed, to avoid possible conflict of interest, especially on environmental issues.
 - a) Have included in their rules and regulations that this will be done by outside registered professionals.
 - b) The North Dakota Public Service Commission has a registered soil classifier on staff. His work entails inspection but not mining permit inventories.
- 2) The Natural Resource Conservation Service has several soil scientists on staff, some of whom are registered. They do not require registration. The soil scientists work only for the government and are not allowed to make determinations or do on-site work for the public such as building site location, major irrigation projects, septic tank absorption fields, etc. They are qualified to do this but their employer chose to have the work done by outside professionals. Also numbers of personnel are not sufficient to allow outside work.
- 3) People taking samples for fertilizer analysis are exempt (43-36-02-07, last paragraph). Also those who sample for construction materials and engineering surveys and projects are exempt.

Some Ways the Soil Classifier Law is Used

1. Soil inventories for mining permits, irrigation projections, wetland designations, & farm planning.
2. Suitability of soils for septic tank absorption fields, sewage lagoons, building sites, sanitary landfills, etc.
3. Litigation dealing with court cases that involve soils, drainage, gravel pit reclamation, surface reclamation for pipelines, construction, chemical spills.
4. Land evaluation for tax purposes.

The North Dakota State Board of
REGISTRATION FOR PROFESSIONAL SOIL CLASSIFIERS

Senate Bill 2190

To amend sections of 43-36-04, 43-36-07, 43-36-11, and 43-36-15 of the North Dakota Century Code. Re. State Board of Registration for Professional Soil Classifiers

43-36-04

Board Compensation and Expenses

The present per diem is \$25. Our proposal is to increase that amount to \$62.50.

The board feels that while \$25 was sufficient in 1973, it is not realistic today. It is not just compensation for people to take time off from work for \$25.

The board does not receive state appropriations. Our income is from registration fees, examination fees, renewal fees, and interest. We expect the change to increase our annual budget by less than \$500.00. Current income will handle the increase.

43-36-07 and 43-36-11.

Reciprocity and Registration without Examination

This deals with reciprocity with other states. We feel that the original law intended to allow reciprocity, but the language was not clear. Reciprocity was included in 43-36-07 and excluded in 43-36-11.

North Dakota was the first state to license professional soil classifiers in 1973. Since then, we have received numerous requests from people in other states who were interested in becoming registered, but they were excluded by sections of the law. In the last few years, several other states have passed legislation dealing with registration of soil professionals. Minnesota and Wisconsin have just recently passed similar laws. We want to be able to grant licenses to people from other states. Those people applying will still have to meet our requirements.

43-36-15

Registration Fees

This was added by the North Dakota Attorney Generals Office to clarify this section of the Law.

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