

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1314

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Hall
Operator's Signature

10/3/03
Date

2003 HOUSE POLITICAL SUBDIVISIONS

HB 1314

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth
Operator's Signature

10/3/03
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 1314

House Political Subdivisions Committee

Conference Committee

Hearing Date: January 24, 2003

Tape Number	Side A	Side B	Meter #
1		X	16.2-53.5
2	X		0.0-21
Committee Clerk Signature <i>Micki Schmidt</i>			2-5-03

Minutes:

(TAPE 1; SIDE B:)

(16.2) REP. GLEN FROSETH: We will open the hearing on HB 1314.

(16.6) REP. GERRY UGLEM: Testimony in support of HB 1314. (See attachment #1)

18.5) REP. GIL HERBEL: Is there any problem related to ditching and draining?

(18.7) REP. GERRY UGLEM: Not that I'm aware of.

(19.3) PATRICK FEIST; OWNER OF FEIST SOIL TESTING: Testimony in support of HB 1314. When we do our samples, we make a point, because of necessity, not because of being worried about a power line being in the way, but rather what goes on around borders and fields, next to ditches, roadways, things of that nature. We try to identify the accurate utility level. In the 22 years I've done this, I've never hit anything. What would be accomplished by the utilities. Because if they are going to mark the areas for the most part, they will be putting on a lot of miles.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dorinda Holmquist
Operator's Signature

10/3/03
Date

Page 2
House Political Subdivisions Committee
Bill/Resolution Number HB 1314
Hearing Date: January 24, 2003

(23.7) REP. GLEN FROSETH: Most of your work is done in agricultural areas, in the fields. How about right aways? The second sentence of this should be public right aways or problem road or highways. Do you do much work in that area?

(24.0) PATRICK FEIST: No, I work solely for the Agricultural sector.

(25.1) JOHN LEE; AGUSE LABORATORIES: We provide testing services for the testing portion. We test about 100,000 soil samples a year. Of those samples, well over 90% of them are taking to a depth of 24 inches.

(26.7) REP. BRUCE ECKRE: You said you do this in Minnesota, South Dakota and across the upper Midwest? What are those states?

(26.9) JOHN LEE: We checked that out and the law is very similar to what the law is here.

(27.5) REP. DALE SEVERSON: When they do the soil testing, it's usually away from any areas where there are cables. If we don't do samples there, what's the need to make them 24 inches?

(27.9) JOHN LEE: In the rest of the field we need to go 24 inches deep to represent the nutrient levels of these fields.

(28.4) REP. NANCY JOHNSON: We're talking about One Call having to call the utilities to come out and mark these even when they're not doing samples in that area?

(28.7) JOHN LEE: Right now the law allows to 18 inches no matter where you are in the field. The problem is that the 18 inch depth isn't appropriate for what we're actually going to be collecting in the heart of that field. We're sampling to a deeper depth than 18 inches.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Hallquist
Operator's Signature

10/3/03
Date

Page 3

House Political Subdivisions Committee

Bill/Resolution Number HB 1314

Hearing Date: January 24, 2003

(29.0) REP. NANCY JOHNSON: The problem is doing the samples for agricultural use, you need to go 24 inches. The utilities don't bury cable more than 18 or 20 inches. Is that the problem?

(29.3) JOHN LEE: You would have to talk to the utilities about that because we're never in those areas.

(30.0) REP. DALE SEVERSON: Would we be better off to maybe just exempt your people from having to call One Call?

(30.1) JOHN LEE: No.


(30.7) REP. GLEN FROSETH: The provision in lines 15 & 16 are actually the cause of the problem.

(31.4) DAN MOSER; CENTRAL AGRICULTURAL CONSULTING: Testimony in support of HB 1314. I do about 1,200 fields per year. We really need to change this to a depth of 24 inches. The biggest problem is calling One Call, it takes a lot of time. With this Bill, I will have to hire a new employee and the cost will go to the growers.

(34.1) STEVE STREGE; ND GRAIN DEALERS ASSOCIATION: Testimony in support of HB 1314. Many of our elevator members do soil sampling or sell fertilizers based on the cap. You have to get down to a depth of 24 inches to do an accurate test.

(35.8) ROBERT BAHM; AGRICULTURAL SOIL SCIENCE INC.: Testimony in support of HB 1314. To get 1 call done, it took 45 minutes for a call to One Call. One Call has 48 hours to flag it, and then we have 2 days to sample it. If it rains for over the 48 hour period, do you have to call back in again? There are problems in the logistics of this. We sample 3,000 to 3,500 fields a year.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.


Operator's Signature

10/3/03
Date

Page 4
House Political Subdivisions Committee
Bill/Resolution Number HB 1314
Hearing Date: January 24, 2003

(40.7) REP. GLEN FROSETH: Presumably, there would be more chance of finding buried cable in parcels of land closest to the city because of the services. When you work in an area like that, do you use One Call more often when it is questionable? You are liable for the cost of repairing anything that you do damage in your service or work. You take a big risk there.

(41.8) ROBERT BAHM: What we feel from talking to some of the utility people, is most of them with power lines and things like that are in the right of way or the edge of the field. We do not take samples. We usually don't get within 100 to 150 feet of the edge. If there's an abandoned farmstead in that field, then again, we're staying away from that field.

(43.0) REP. BRUCE ECKRE: What kind of training do these people have?

(45.4) REP. NANCY JOHNSON: You stated that you generally go in at about 100 to 150 feet.

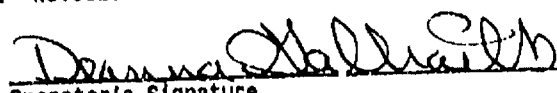
Can we create an additional line to say that protesting will be done more to the center of the private land that you are trusting, would that be an accessible exception perhaps?

(46.0) ROBERT BAHM: I don't know if we want the language to state the center of that, because there may be some other feature that may dig deep but that's not where we should be taking the sample to get the results for our customers. There could be some language in there to work from either the right a way or the edge.

(47.8) JACK McDONALD; #305; FOR ND CABLE TV ASSOCIATION: Testimony in opposition of HB 1314. (See attachment #2) It was a difficult process to get the One Call into ND. It took a couple sessions and a lot of negotiation and cooperation between a lot of different industries.

(51.8) REP. BRUCE ECKRE: When this no call went into effect, was the soil people involved in this decision?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.


Operator's Signature

10/3/03
Date

(52.1) JACK McDONALD: I don't know. The water people were involved, they weren't all necessarily all in favor of this Bill, because they have trouble locating.

(53.0) REP. GIL HERBEL: Are you required by law to put these lines at a certain depth and if so, what is it?

(53.2) JACK McDONALD: I don't believe we are in a rural area but I'm not an expert on this.

(53.5) REP. GIL HERBEL: I know in the valley area, particularly when we get heavy rains, I see the farmers out there with the big hook that they drag through their fields so they can get the water off of the sugar beets and potatoes. Some of those tools are down a long ways, so they get the water to flow faster. Have they presented these problems to you?

(TAPE 2; SIDE A;)

(0.0) JACK McDONALD: You're using a machine, not manual methods anymore, and there's just that much more of a chance they're not checking locations of the machines. I'm not aware of anything from cable.

(0.2) REP. ALON WIELAND: You stated in your testimony that many of your companies do not give exact depth readings. Is it because they don't know what these exact readings are or just policy?

(0.4) JACK McDONALD: We are required to get the location of the depth. I've indicated that for many of our operators, we don't have that sophisticated equipment. We know where it is. We know that 2 or 3 years ago, we put those lines in at a certain place and a certain depth. But, we don't know if they're still at that exact depth or not, if they've moved up or down, so to determine the exact location and depth is a difficult situation.

Page 6
House Political Subdivisions Committee
Bill/Resolution Number HB 1314
Hearing Date: January 24, 2003

(1.0) REP. DALE SEVERSON: When they put a cable in a field, about how far out from the right away do they usually go?

(1.2) JACK McDONALD: I know it depends upon where they get the easements. You have to get the easement from the landowner and where he gets that is up to the landowner. Often times we share utilities that are in for other utility calls.

(1.7) DENNIS BOYD; MDU RESOURCES GROUP: Testimony in opposition of HB 1314. He complimented the Soil Testers for meeting with the One Call board, there have been some discussions. The One Call board may have offered some suggestions to them and at least there's some dialog between the two organizations. One of the big problems for us is the pipelines. All you have to do is "nick" the pipeline and it destroys the protective coating. If you would take out the public right away section, then it would be OK.

(5.1) REP. GIL HERBEL: Is there a specific depth that you would have to put your lines in?

(5.2) DENNIS BOYD: There is a specific depth on the electric facilities. For secondary electric fees, my understanding is that it is 24 inches. Most of our facilities are between 24 and 48 inches.

(5.7) REP. GIL HERBEL: What about the rancher who wants to put in a corner post?

If they're going to put in a corner post, they got to go down deeper, and then every time they do that they're going to have to make telephone calls too.

(6.2) DENNIS BOYD: Chances are on private land, that landowner knows where that pipeline is at. He knows where his electrical, cable or water is at.

(6.6) REP. NANCY JOHNSON: Who pays for the One Call?

(7.1) KEVIN ALISHOUSE; ND ONE-CALL BOARD: The excavating community within the state and the utilities both pay for the use of One-Call.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dennis Boyd
Operator's Signature

10/3/03
Date

Page 7
House Political Subdivisions Committee
Bill/Resolution Number HB 1314
Hearing Date: January 24, 2003

(7.3) REP. GLEN FROSETH: But, there is a charge for the person that calls?

(7.4) KEVIN ALISHOUSE: Yes. There is a third per ticket call.

(7.8) REP. GLEN FROSETH: I was on the committee that helped work out details on this One-Call system way back in 1995 or 1997. There is a charge, one dollar per call?

(8.0) KEVIN ALISHOUSE: That's correct, it's just over a dollar. Home and land owners are not charged for calls. The law reads, "if you're licensed to do business in the state, under the state code you are a member of the excavating community and will be charged for each what we call a ticket, for each excavation request. There are no further charges for flagging.

(8.8) REP. ALON WIELAND: Will you explain the term "ticket"?

(9.0) KEVIN ALISHOUSE: The jargon industry is per ticket and that ticket is basically just a request.


(9.2) REP. ANDREW MARAGOS: When a soil tester wants to test a certain crop of land, he's required to call. Then do all companies come out and mark everything on that particular tract of land. Are there perimeters for each crop? When we call and say we're going to do a section, or a quarter, how does this work?

(10.1) KEVIN ALISHOUSE: The notification goes out to individual based on who would be in the area they described when they call for that location spot. As far as the scope of that locate, they are limited to a one-square mile per request.

(10.9) REP. ANDREW MARAGOS: If you say they're not charged, why would they want to pass along the \$15 fee to their customers for doing a soil test?

(11.4) KEVIN ALISHOUSE: I can't speak for them.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.


Operator's Signature

10/3/03
Date

