

2013 HOUSE AGRICULTURE

HB 1154

2013 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee
Peace Garden Room, State Capitol

HB 1154
January 25, 2013
Job #17731

Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to application requirements for registration as a professional soil classifier; and to provide for a legislative management study

Minutes:

Attachment #1

Representative Schmidt, Sponsor: This is the start of a housecleaning bill. The original legislation was developed in 1973. With the advent of the oil industry and other industries that deal with environmental impacts and environmental assessments, the profession of soil classifiers is becoming more and more prominent in the state. The need for these professionals is greater.

There are two parts to this bill.

1. A short term change that will allow some out-of-state people to come in and help.
2. A study. Because there are so many major changes, we need to study those changes to come up with a bill that is effective.

Lawrence Edland, North Dakota Board of Registration for Professional Soil Classifiers: (See Attached #1) (3:00)

Representative Fehr: (6:00) Is this considered a licensure in North Dakota or just a registration?

Lawrence Edland: It is both.

Representative Fehr: So if someone is doing something that is substandard, that registration or license can be pulled by the board?

Lawrence Edland: Yes.

Representative Nelson: How many current licensees?

Lawrence Edland: There are 26 registered professional soil classifiers. We have an inactive and an active group. There are about 12 that are practicing.

Representative Nelson: So if someone wants to be a professional soil classifier, how can he know those 12 active guys that might be familiar with his work? You still feel it is important that you have at least one recommendation from the currently practicing soil classifiers. Why?

Lawrence Edland: Without knowing the soils of North Dakota, out-of-state people wouldn't have the expertise about North Dakota landscape and soils without working with someone from North Dakota.

Representative Nelson: You feel it is important the person works with one of the current soil classifiers?

Lawrence Edland: I have been working with several individuals from Minnesota. It is hard to get them to work with three individuals from North Dakota. If I feel comfortable with the individual that I am working with and he is able to pass that practical test, it would be enough to be a reference for that individual.

Representative Nelson: This registration and licensure as a professional soil classifier, does that serve to certify a person as a third party with USDA for wetlands determinations?

Lawrence Edland: Most of the classifiers have gone through a position with USDA. As far as wetland determination, the law says anytime you are looking beyond the surface of the soil you are interpreting the soil. That has to be done by a professional soil classifier.

Representative Nelson: I was thinking of programs with USDA money for cost share for farmers. A CCA is automatically qualified to do certain things for USDA.

Lawrence Edland: Yes, they are.

Dan Wogsland, North Dakota Grain Growers Association: We are in support of HB 1154. Wetland determinations in the state have been backlogged at NRCS for some time. Allowing for more soil classifiers is a good idea. Also studying this issue further is a good idea.

Chairman Dennis Johnson: Closed the hearing.

Representative Rust: moved Do Pass

Representative Boschee: Seconded the motion

A Roll Call vote was taken: Yes 11, No 0, Absent 2. (Reps. Headland & Heilman)

Do Pass carries.

Representative Kiefert will carry the bill.

Date: 1/25/13

Roll Call Vote #: 1

**2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1154**

House **Agriculture** Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Consent Calendar
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Rust Seconded By Rep. Boschee

Representatives	Yes	No	Representatives	Yes	No
Chairman Dennis Johnson	X		Rep. Joshua Boschee	X	
Vice Chairman John Wall	X		Rep. Jessica Haak	X	
Rep. Wesley Belter	X		Rep. Marvin Nelson	X	
Rep. Alan Fehr	X				
Rep. Craig Headland	AB				
Rep. Joe Heilman	AB				
Rep. Dwight Kiefert	X				
Rep. Diane Larson	X				
Rep. David Rust	X				
Rep. Wayne Trottier	X				

Total Yes 11 No 0

Absent 2

Floor Assignment Rep. Kiefert

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

REPORT OF STANDING COMMITTEE

HB 1154: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1154 was placed on the
Eleventh order on the calendar.

2013 SENATE AGRICULTURE

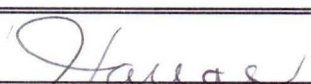
HB 1154

2013 SENATE STANDING COMMITTEE MINUTES

Senate Agriculture Committee
Roosevelt Park Room, State Capitol

HB 1154
March 8, 2013
19629

Conference Committee



Relating to application requirements for registration as a professional soil classifier; and to provide for a legislative management study

Minutes:

Written Testimony

Chairman Miller opened the hearing on HB 1154. All committee members were present.

Representative Jim Schmidt, District 31, introduced HB 1154. The need for HB 1154 has come about because of the increased pressure on natural resources in North Dakota, from gas and oil pipelines, roads, and wetland issues with agriculture, community sightings, and reclamation. The main ingredient of those impacts is basically the soil base. Based on the need for soil classifiers it is apparent that legislation for these be updated. He said that HB 1154 does two things: It creates legislation to appoint were we have an immediate need. The second part of the bill is to study the additional needs that we have in order to rewrite that bill.

Lawrence Edland, North Dakota Board of Registration for Professional Soil Classifiers, testified in support of HB 1154. **Written testimony #1**

Senator Miller asked what a professional soil classifier does.

Lawrence Edland said that for an example; upon request, a soil classifier goes out and identifies soil layers, for a waste site disposal or for coal mine reclamation. They identify layers that can be used for topsoil depth, subsoil depth, soil that is suitable for plant growth material.

Senator Miller asked if he ever got involved with Agricultural land for tax classification.

Lawrence Edland replied that he hadn't personally been involved.

Senator Heckaman asked how many professional members are there.

Lawrence Edland said there were 26 registered professional soil classifiers and he believes that twelve are actually practicing.

Senator Heckaman asked if they were doing this because there is a need for more.

Lawrence Edland replied yes.

Senator Heckaman asked who these people work for.

Lawrence Edland said that he could not speak for everyone but he said that most of his work comes through engineering firms.

Senator Luick asked what it takes to become a soil classifier.

Lawrence Edland explained the process and explained that with more activities we may need to change the process. (7:20)

Lance Loken, President and owner of Western Plains Consulting, testified in support of HB 1154. He explained some of the work they do as soil classifiers and stressed the need for HB 1154.

Senator Heckaman: When you look at landfills and salt water spills, are you just looking at the soil quality or are you looking at violations.

Lance Loken said that with landfills they are doing the work ahead of time but with salt water spills they are dealing with violations. He gave examples. (12:00)

Senator Klein expressed his concern about the reason for going from 5 to 3 references.

Lance Loken said that is why it is important for a study committee to look at the needs and updating the law. It is a complex science, if it was easy, there would be a lot of soil classifiers out there. The needs are growing.

Senator Klein asked if it was hard to get 5 references.

Lance Loken replied not for him but there are soil classifiers from out of state that want to work in ND and they haven't formed the relationships. They have to work under one but they still have to develop a relationship with four more in present law.

Dan Wogsland, North Dakota Grain Growers Association, testified in support of HB 1154. He said that one of the challenges in ND is taking care of some of the backlog that NCS has. They see this as an opportunity to help in that regard.

Lawrence Edland addressed the committee on references and emphasized that all soil classifiers have to pass a practical examine that indicates that they know and understand the landscapes and soils of North Dakota.

Senator Klein asked if references have to come from the twelve active members or if they can come from all 26 members.

Lawrence Edland said they can use any of the 26 but they have to indicate that they have worked with that person who wants to get registered. The reference is putting his name and reputation on the line.

Senator Luick asked if there was a training period.

Lawrence Edland replied that there is in law, a soil scientist in training but that could be waved based on experience in another state or in that profession.

Discussed the importance of the study (22:00).

Senator Luick asked a question on septic design work.

Lawrence Edland said it was becoming very important particularly in the eastern part of the state.

Lance Loken added that some of the regulatory agencies they deal with are: Public Service Commission, Health Department, Forest Service, Corp of Engineers, Fish & Wildlife service, Water Commission.

No opposing testimony.

Vice Chairman Luick closed the hearing on HB 1154.

Senator Klein moved a **Do Pass on HB 1154.**

Senator Larsen seconded.

Roll call vote: 5-0-0

Senator Luick will be the carrier.

REPORT OF STANDING COMMITTEE

HB 1154: Agriculture Committee (Sen. Miller, Chairman) recommends DO PASS
(5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1154 was placed on the
Fourteenth order on the calendar.

2013 TESTIMONY

HB 1154

Introduction: Mr. Chairman members of the Agriculture Committee

#1
HB 1154
1/25/13

My name is Lawrence Edland. I am on the North Dakota Board of Registration for Professional Soil Classifiers. The Board of Registration for Prof. Soil Classifiers was established by the State in the early 1970s to regulate the work of Soil Classifiers. The legislation and requirement for Prof. Soil Classifiers is similar -- but not identical-- to the rules followed by Professional Engineers.

The Registration Board is made up of 3 professionals and 2 lay people. The Governor appoints all Board members.

North Dakota was the first state to register Soil Classifiers. Since the 1970s, about half of the states have enacted some type of licensing of Soil Classifiers. In North Dakota, Soil Classifiers have been very active in mapping for coal mine reclamation, evaluation of landfills and special waste sites, pipeline locations, and wetland identification.

To become a Registered Soil Classifier in North Dakota, an individual must have adequate experience, pass both a fundamental and professional test, and have references from working professionals. The Board and the registration law has been successful in protecting the citizens of North Dakota from unsatisfactory work done by unqualified individuals.

Propose: I am here today to present two requests for your consideration:

1. The need to change the number of references currently required by the Law.

Currently, candidates wishing to become Professional Soil Classifiers (PSC) in ND need to secure five references. – three of those from registered Prof. Soil Classifiers in ND. Knowing three PSC who are knowledgeable regarding the expertise demonstrated by this individual is difficult. This reference requirement restricts the registration of qualified individuals from out-of-state.

The Board is recommending a change in the law to three references be required for registration with only one of those needing to be a PSC. The revision we recommend will provide an immediate solution to the problem we now face.

2. The need to study the law for future review and update

The current Professional Soil Classifiers legislation was passed in 1973 and is out-dated in some of its language. Legislative Counsel has recommended the current law be studied and a revision presented at the 2015 legislative session. The Board of Registration agrees with the Legislative Counsel and recommends a study be conducted.

The Board of Registration for North Dakota Prof. Soil Classifiers respectfully requests you consider these actions.

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