

2023 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1064

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1064
1/6/2023

Relating to the definition of excavation.

Chairman Schauer called the meeting to order at 11:20am.

Chairman Austen Schauer, Vice Chairman Bernie Satrom, Reps. Landon Bahl, Claire Cory, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, Mary Schneider. All present.

Discussion Topics:

- Safety issues
- Reviewal of past incidents
- Strength of state program
- Amendment to bill

Konrad Crockford, Director of Compliance, on behalf of the Public Service Commission, introduced HB 1064 with supportive testimony (#12490).

Karly McLeod, President of the Utility Shareholders of North Dakota, representing the Investors on Utilities North Dakota, spoke in support of bill.

Tom Schime Femming, a contractor from Bowman, ND, offered neutral testimony and suggested an amendment to bill (#14322).

Chairman Schauer closed the hearing on HB 1064.

Rep. McLeod moved a do pass on HB 1064.

Seconded by Vice Chairman Satrom.

Chairman Schauer reopened the hearing on HB 1064 at 11:34am.

Konrad Crockford, Director of Compliance, on behalf of the Public Service Commission, answered additional questions for HB 1064.

Chairman Schauer closed the hearing on HB 1064.

Rep. McLeod withdrew the do pass motion.

Chairman Schauer adjourned the meeting at 11:37am.

Phillip Jacobs, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Government and Veterans Affairs Committee Pioneer Room, State Capitol

HB 1064
1/12/2023

Relating to the definition of excavation.

Chairman Schauer called the meeting to order at 3:15 PM .

Chairman Austen Schauer, Vice Chairmen Bernie Satrom, Reps. Landon Bahl, Jeff A. Hoverson, Jorin Johnson, Karen Karls, Scott Louser, Carrie McLeod, Karen M. Rohr, Vicky Steiner, Steve Vetter, and Mary Schneider present. Rep. Cory not present.

Discussion Topics:

- Discussion with constituents
- Proposed amendment

Vice Chairman Satrom discussed the proposed amendment to HB 1064. (Use of the word "Dredging")

Representative Schneider moved to amend HB 1064 on line 23 to change the word nine to ten members of the board of directors.

Motion fails: Lack of second.

Representative Hoverson moved a DO PASS on HB 1064,

Seconded by Representative Bahl.

Roll Call Vote:

Representatives	Vote
Representative Austen Schauer	Y
Representative Bernie Satrom	Y
Representative Landon Bahl	Y
Representative Claire Cory	AB
Representative Jeff A. Hoverson	Y
Representative Jorin Johnson	Y
Representative Karen Karls	Y
Representative Scott Louser	Y
Representative Carrie McLeod	Y
Representative Karen M. Rohr	Y
Representative Mary Schneider	Y
Representative Vicky Steiner	Y
Representative Steve Vetter	Y

Motion carries: 12-0-1.

House Government and Veterans Affairs Committee

HB 1064

1/12/2023

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Bill carrier: Representative Hoverson.

Chairman Schauer adjourned the meeting at 3:22 PM.

Phillip Jacobs, Committee Clerk By: Leah Kuball

REPORT OF STANDING COMMITTEE

HB 1064: Government and Veterans Affairs Committee (Rep. Schauer, Chairman)
recommends **DO PASS** (12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB
1064 was placed on the Eleventh order on the calendar.

2023 SENATE AGRICULTURE AND VETERANS AFFAIRS

HB 1064

2023 SENATE STANDING COMMITTEE MINUTES

Agriculture and Veterans Affairs Committee Fort Union Room, State Capitol

HB 1064
3/2/2023

A BILL for an Act relating to the definition of excavation.

9:59 AM Chairman Luick called the committee to order.
Present: Senators Hogan, Weston, Weber, Myrdal, Luick, and Lemm

Discussion Topics:

- Excavation definition
- Committee action

10:00 AM Konrad Crockford, Director of Compliance, Public Service Commission, testified in favor. #21385.

10:12 AM Dannette Welsh, Director of Government Relations, Oneoke, verbally testified in favor.

10:13 AM Senator Myrdal moved DO PASS HB 1064

10:13 AM Senator Weber seconded.

10:14 AM Roll Call Vote

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Randy D. Lemm	Y
Senator Mark F. Weber	Y
Senator Kent Weston	Y

Motion Passed 6-0-0.

10:14 AM Senator Weston will carry.

10:15 AM Chairman Luick closed meeting.

David Owen, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1064: Agriculture and Veterans Affairs Committee (Sen. Luick, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB
1064 was placed on the Fourteenth order on the calendar. This bill does not affect
workforce development.

TESTIMONY

HB 1064

House Bill 1064

Presented by: Konrad Crockford
Public Service Commission

Before: House Government and Veterans Affairs Committee
Honorable Austen Schauer, Chair

Date: January 06, 2023

TESTIMONY

Mr. Chair and members of the committee, I'm Konrad Crockford, Director of Compliance, here to testify on behalf of the Public Service Commission (Commission).

The North Dakota One-Call System promotes safe digging in the State to protect millions of dollars of underground infrastructure, excavators from an unsafe strike, and the impacted public. Excavation is the leading cause of damage to underground facilities. Facility damage, possible injury, or loss of life can often be prevented when the excavator and the facility operator work together to identify the location of the facilities. This cooperative relationship starts with the One-Call System.

The Commission is the agency designated to coordinate in the advancement and enforcement of the One-Call law. To this extent, the Commission works to ensure the One-Call law keeps up with industry and the evolving regulatory environment which includes incorporating clarifications, changes, and recommendations identified by National Transportation Safety Board incident investigations. Funding for damage prevention education,

outreach, and enforcement actions is provided to the Commission through a grant administered by the U.S. Department of Transportation Pipeline and Hazardous Materials Administration (PHMSA).

During a recent federal grant audit administered by PHMSA, there was some discussion of whether dredging was covered under the current One-Call law. While the Commission believes dredging meets the definition of excavation found in the One Call Law, HB 1064 was submitted at the request of the Commission to ensure clarity in the law's application.

This concludes my testimony. Thank you for your time and I am available for questions.

Testimony in Neutral Position on HB 1064
 Tom Schimelfenig
 (701) 650-8792

Good morning Chairman Representative Shower and members of the House Standing Committee on Government + Veteran Affairs. I am a Contractor from Bowdon North Dakota. I have been in the Construction Industry for 45 years. In Reviewing HB 1064 I am neither For or against HB 1064. I do think it should be amended as follows.

Excavation and Dredging with Definition Following. I have provided documentation to support my opinion. Finally I do think that one of us single owner operators should have a place on the one call Board. There is no one to represent the small guy like me. I would like to thank you for allowing me to present my views on this. I would stand for any questions

Tom Schimelfenig

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Dredging and excavation are the two most common means of removing contaminated sediment from a water body, either while it is submerged (dredging) or after water has been diverted or drained (excavation). Both methods typically necessitate transporting the sediment to a location for treatment and/or disposal.

 United States Environmental P...
<https://semspub.epa.gov/work> PDF

Chapter 6: Dredging and Excavation

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People also ask :

What do you mean by dredging?

What does dredging mean in construction?

What are the types of dredging?

How does a dredging work?

Feedback

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6. Removal by Dredging and Excavation

Excavated sediment usually contains less water than dredged sediment and thus is easier to handle. Excavated sediment, however, may still require additional ...

 Britannica
[https://www.britannica.com/.../Civil Engineering](https://www.britannica.com/.../Civil-Engineering)

dredge | excavation

dredge, large floating device for underwater excavation. ... Dredges are classed as mechanical and hydraulic. Many special types in both classes, and combinations ...

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Environmental Dredging of Contaminated Sediments

Environmental Dredging of Contaminated Sediments. 2020. Instructor: Michael J. Dickey, P.E..
PDH Online | PDH Center. 5272 Meadow Estates Drive.
39 pages

 Marine Insight
[https://www.marineinsight.com/Types of Ships](https://www.marineinsight.com/Types-of-Ships)

Different Types of Dredgers Used in the Maritime Industry

Jul 29, 2021 — In a more general sense, a ship equipped with an excavation tool that is capable of weeding off depositions such as sand, gravel, sediments, etc ...

 ScienceDirect
<https://www.sciencedirect.com/topics/dredging>

Dredging - an overview

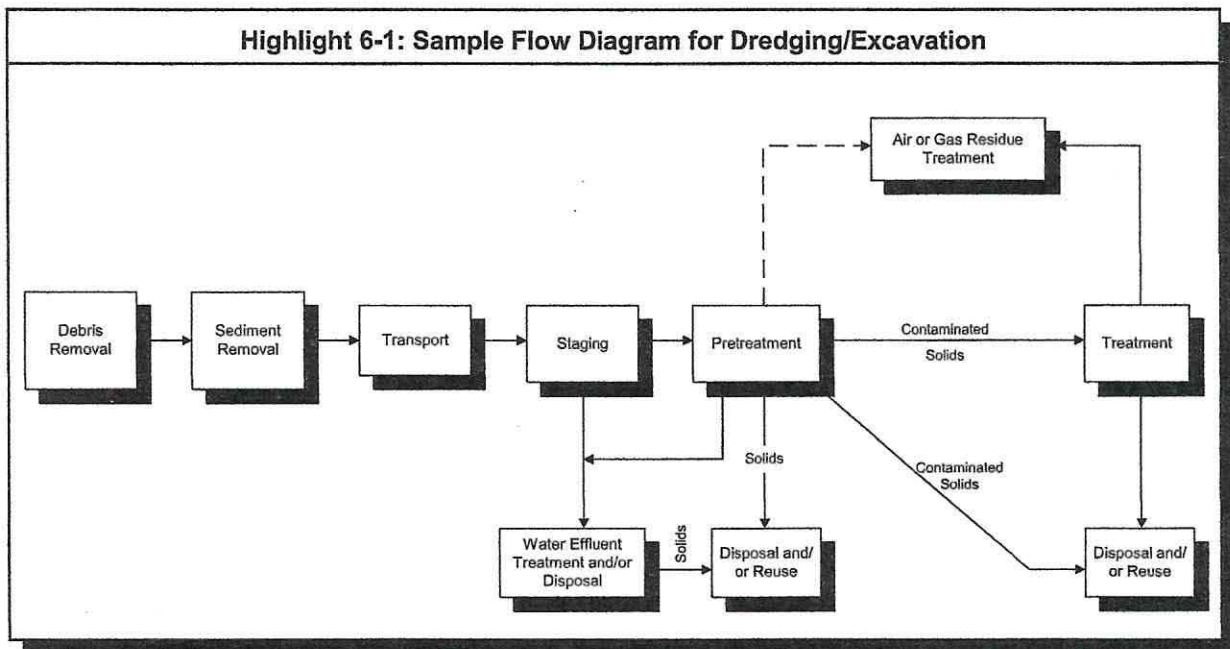
The process of dredging involves the excavation of large parcels of sand in the floor of rivers, lakes, swamp, sea, and land by lifting or sucking it up and ...

6.0 DREDGING AND EXCAVATION

6.1 INTRODUCTION

Dredging and excavation are the two most common means of removing contaminated sediment from a water body, either while it is submerged (dredging) or after water has been diverted or drained (excavation). Both methods typically necessitate transporting the sediment to a location for treatment and/or disposal. They also frequently include treatment of water from dewatered sediment prior to discharge to an appropriate receiving water body. Sediment is dredged by the U.S. Army Corps of Engineers (USACE) on a routine basis at numerous locations for the maintenance of navigation channels. The objective of navigational dredging is to remove sediment as efficiently and economically as possible to maintain waterways for recreational, national defense, and commercial purposes. Use of the term “environmental dredging” has evolved in recent years to characterize dredging performed specifically for the removal of contaminated sediment. Environmental dredging is intended to remove sediment contaminated above certain action levels while minimizing the spread of contaminants to the surrounding environment during dredging [National Research Council (NRC 1997)].

Some of the key components to be evaluated when considering dredging or excavation as a cleanup method include sediment removal, transport, staging, treatment (pretreatment, treatment of water and sediment, if necessary), and disposal (liquids and solids). Highlight 6-1 provides an sample flow diagram of the possible steps in a dredging or excavation alternative. The simplest dredging or excavation projects may consist of as few as three of the components shown in Highlight 6-1. More complex projects may include most or all of these components. Efficient coordination of each component typically is very important for a cost-effective cleanup. Project managers should recognize, in general, fewer sediment rehandling steps leads to lower implementation risks and lower cost.



House Bill 1064

Presented by: Konrad Crockford
Public Service Commission

Before: Senate Agriculture and Veterans Affairs Committee
Honorable Larry Luick, Chair

Date: March 02, 2023

TESTIMONY

Mr. Chair and members of the committee, I'm Konrad Crockford, Director of Compliance, here to testify on behalf of the Public Service Commission (Commission).

The North Dakota One-Call System promotes safe digging in the State to protect millions of dollars of underground infrastructure, excavators from an unsafe strike, and the impacted public. Excavation is the leading cause of damage to underground facilities. Facility damage, possible injury, or loss of life can often be prevented when the excavator and the facility operator work together to identify the location of the facilities. This cooperative relationship starts with the One-Call System.

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