

**2023 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1407**

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1407  
2/2/2023

Relating to the membership of the board of directors for North Dakota one-call

**12:04 PM** Chairman Porter opened the hearing.

Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones

**Member not present:** Representative Ruby.

### **Discussion Topics:**

- Board member addition
- Small excavators
- Enforcement

Rep Robin Weisz, District 14, introduced HB 1407, oral testimony  
Tom Schimelfenig, Schimelfenig Excavating, Bowdon, ND, Testimony 21216  
Jason Hovdenes, J&R Dirt Works, Carrington ND, oral testimony  
Carey Burke, Excavator Representative on ND One Call Board of Directors, Member Services Director of AGC of ND, oral testimony

**12:30 PM** Chairman Porter closed the hearing.

*Kathleen Davis, Committee Clerk*

# 2023 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1407  
2/10/2023

Relating to the membership of the board of directors for North Dakota one-call

### 10:31 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones. Member absent: Representative Ruby.

#### Discussion Topics:

- Committee Work

Representative Dockter moved a Do Not Pass on HB 1407.

Representative Ista seconded the motion.

Roll Call Vote:

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	Y
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	Y
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	AB

Motion carried 13-0-1.

Representative Dockter carrier.

**10:33 AM** Chairman Porter closed the meeting.

*Kathleen Davis, Committee Clerk*

**REPORT OF STANDING COMMITTEE**

**HB 1407: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO NOT PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).  
HB 1407 was placed on the Eleventh order on the calendar.

**TESTIMONY**

**HB 1407**

**February 2, 2023**

**House Energy and Natural Resources Committee  
House Bill 1407**

Good morning Chairman Porter and Members of the House Energy and Natural Resources Committee:

My name is Tom Schimelfenig, owner of Schimelfenig Excavating in Bowdon. I've been a self-employed heavy equipment operator for 45 years.

I am here today in support of HB 1407, which would add a member to the North Dakota One Call Board.

This bill is about offering self-employed and very small excavating companies a voice on the One Call board. We are the ones who must call before we dig, and remain abreast of rules imposed by this board, so it's important that we have the opportunity to provide input regarding changes as they are considered.

As noted, the current ninth member would continue to represent larger employers, and the newly-added 10<sup>th</sup> member would represent excavating companies with fewer than five employees.

The current excavator representative on the One Call Board is Carey Burke, chosen by the Association of General Contractors (AGC).

I am not aware of any self-employed excavating companies that are members of AGC, and therefore we are not likely to be chosen to serve on the One-Call board as it stands.

In closing, I urge a do pass on HB 1407. I am willing to answer any questions you may have.