

AN ACT

ENTITLED, An Act to revise certain requirements and procedures regarding the one-call notification system for excavation activities.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That subdivision (3) of § 49-7A-1 be amended to read as follows:

- (3) "Excavation," any operation in which earth, rock, or other material in or below the ground is moved or otherwise displaced by means of tools, equipment, or explosives, and includes grading, trenching, digging, ditching, drilling, augering, tunneling, scraping, and cable or pipe plowing or driving, except:
- (a) Tilling of soil and gardening to a depth of twelve inches and the tilling of soil for agricultural purposes to a depth of eighteen inches;
  - (b) Pot hole repair and grading of an existing public road if the pot hole repair and grading does not extend more than eighteen inches below the finished roadway;
  - (c) Any vehicle operation or operation involving the use of any hand tool, other than a power tool, so long as such operation does not extend more than eighteen inches below the surface of the groundline within the right-of-way;
  - (d) Any road and ditch repair or road and ditch activity that does not extend more than eighteen inches below the surface of the original groundline within the right-of-way;
  - (e) Digging in a cemetery; and
  - (f) Digging in a planned sanitary landfill;

Section 2. That § 49-7A-5 be amended to read as follows:

49-7A-5. No excavator may begin any excavation without first notifying the one-call notification center of the proposed excavation. The excavator shall give notice by telephone or by other methods

approved by the board pursuant to rules promulgated pursuant to chapter 1-26 to the one-call notification center at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays of the state. The board may promulgate rules to reduce the forty-eight-hour interval for emergency or subsequent inquiries to the original locate request and may lengthen the forty-eight-hour interval for nonexcavation requests.

Section 3. That § 49-7A-27 be amended to read as follows:

49-7A-27. The board shall accept the recommendations of the panel unless either party requests a hearing. A party requests a hearing by rejecting the panel's recommendation within twenty days from the date of service of the notice. However, the board may extend the time period for requesting a hearing. Failure to request a hearing is considered acceptance of the panel's recommendation. If a hearing is held, the hearing shall be conducted before the board as a contested case under chapter 1-26. Following the hearing, the board shall either render a decision dismissing the complaint for insufficient evidence or shall impose a penalty pursuant to the provisions of § 49-7A-18 or 49-7A-19.

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I certify that the attached Act
originated in the
SENATE as Bill No. 10
Secretary of the Senate
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President of the Senate

Attest:

Secretary of the Senate

Speaker of the House

Attest:

Chief Clerk

Senate Bill No. 10
File No.
Chapter No.

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Received at this Executive Office
this \_\_\_ day of \_\_\_\_\_,
20\_\_\_ at \_\_\_\_\_ M.
By \_\_\_\_\_
for the Governor
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The attached Act is hereby
approved this \_\_\_ day of
\_\_\_\_\_, A.D., 20\_\_\_

Governor

STATE OF SOUTH DAKOTA,
ss.
Office of the Secretary of State

Filed \_\_\_\_\_, 20\_\_\_
at \_\_\_\_\_ o'clock \_\_ M.

Secretary of State

By \_\_\_\_\_
Asst. Secretary of State