2023 South Dakota Legislature

House Bill 1184

*Introduced by: **Representative** Krohmer*

1   **An Act to revise provisions related to the One-Call Notification Board.**

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

3   **Section 1. That § 49-7A-2 be AMENDED:**

4   **49-7A-2.** The Statewide One-Call Notification Board is established as an agency

5   of state government and funded by revenue generated by the one-call notification center.

6   ~~The board is attached to the Public Utilities Commission only for budgetary purposes.~~ The

7   board is solely responsible for all contractors and employment of any personnel working

8   for the board and retains responsibility for all funds of the board and all expenditures

9   thereof. The board is solely responsible for all functions and duties vested in the board

10   ~~and the board shall exercise those functions and duties independent of the Public Utilities~~

11   ~~Commission~~. Any interest earned on money in the state one-call fund shall be deposited

12   in the fund. The money is continuously appropriated to the board to implement and

13   administer the provisions of this chapter. The one-call notification center may be organized

14   as a nonprofit corporation. The one-call notification center shall provide a service through

15   which a person can notify the operators of underground facilities of plans to excavate and

16   to request the marking of the facilities. All operators are subject to this chapter and the

17   rules promulgated thereto. Any operator who fails to become a member of the one-call

18   notification center or who fails to submit the locations of the operator's underground

19   facilities to the center, as required by this chapter and rules of the board, is subject to

20   applicable penalties under §§ 49-7A-18 and 49-7A-19 and is subject to civil liability for

21   any damages caused by noncompliance with this chapter. Any penalties which may be

22   assessed by the board under this chapter ~~shall~~ must be collected as provided by law and

23   deposited into the one-call fund.