

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

336E0413

HOUSE BILL NO. 1085

Introduced by: Representatives Napoli and Duniphan and Senators Moore and Apa

1 FOR AN ACT ENTITLED, An Act to exempt certain nonprofit water systems from the one-call
2 notification system.

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

4 Section 1. That chapter 49-7A be amended by adding thereto a NEW SECTION to read as
5 follows:

6 The operator of underground facilities for the storage or conveyance of water may be
7 exempted from the requirements of this chapter if:

8 (1) The operator is a nonprofit corporation;

9 (2) The underground facilities are located completely within a contiguous land area that
10 is either privately owned or is owned by the nonprofit entity, or both;

11 (3) All of the owners of land in the contiguous land area are supplied with water on their
12 property from the underground storage and conveyance facilities; and

13 (4) The operator serves no more than fifty households.

14 To request such an exemption, the governing body of the nonprofit corporation shall adopt
15 a resolution to that effect which shall be filed with the One-Call Notification Board. The

1 resolution shall be accompanied by a petition in support of the resolution signed by a majority
2 of the owners of real property that is within the contiguous area. Within thirty days of receipt
3 of a valid resolution and petition, the board shall exempt the operator from the requirements of
4 this chapter. The operator may request the board to resume participation and membership in the
5 one-call notification center using the same procedures as provided in this section for requesting
6 exemption.