

# State of South Dakota

NINETY-THIRD SESSION  
LEGISLATIVE ASSEMBLY, 2018

400Z0486

## HOUSE COMMERCE AND ENERGY ENGROSSED NO. **HB 1024** - 1/19/2018

Introduced by: The Committee on Commerce and Energy at the request of the Public Utilities Commission

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding South Dakota One  
2 Call.

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

4 Section 1. That § 49-7A-2 be amended to read:

5 49-7A-2. The Statewide One-Call Notification Board is established as an agency of state  
6 government ~~administered by the Public Utilities Commission~~ and funded ~~solely~~ by revenue  
7 generated by the one-call notification center. The board is attached to the Public Utilities  
8 Commission only for budgetary purposes. The board is solely responsible for all contractors and  
9 employment of any personnel working for the board and retains responsibility for all funds of  
10 the board and all expenditures thereof. The board is solely responsible for all functions and  
11 duties vested in the board and the board shall exercise those functions and duties independent  
12 of the Public Utilities Commission. Any interest earned on money in the state one-call fund shall  
13 be deposited in the fund. The money is continuously appropriated to the board to implement and  
14 administer the provisions of this chapter. The one-call notification center may be organized as



1 a nonprofit corporation. The one-call notification center shall provide a service through which  
2 a person can notify the operators of underground facilities of plans to excavate and to request  
3 the marking of the facilities. All operators are subject to this chapter and the rules promulgated  
4 thereto. Any operator who fails to become a member of the one-call notification center or who  
5 fails to submit the locations of the operator's underground facilities to the center, as required by  
6 this chapter and rules of the board, is subject to applicable penalties under §§ 49-7A-18 and 49-  
7 7A-19 and is subject to civil liability for any damages caused by noncompliance with this  
8 chapter. Any penalties which may be assessed by the board under this chapter shall be collected  
9 as provided by law and deposited into the one-call fund.

10 Section 2. That § 49-7A-28 be amended to read:

11 49-7A-28. If the amount of the penalty is not paid to the board, the ~~Public Utilities~~  
12 ~~Commission, at the request of the~~ board, shall bring an action in the name of the State of South  
13 Dakota to recover the penalty in accordance with § 49-7A-33. No action may be commenced  
14 until after the time has expired for an appeal from the findings, conclusions, and order of the  
15 board. ~~The costs and expenses on the part of the commission shall be paid by the board.~~

16 Section 3. That chapter 49-7A be amended by adding a NEW SECTION to read:

17 On the first day of January of each year, the board shall make an annual report of its  
18 activities to the Governor and the Legislature containing the facts, statements, and explanations  
19 deemed necessary by the board to fully disclose its transactions and conduct.