

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400X0205

HOUSE BILL NO. _____

Introduced by: _____

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

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

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

The Statewide One-Call Notification Board is established as an agency of state government ~~administered by the Public Utilities Commission~~ and funded ~~solely~~ by revenue generated by the one-call notification center. The board's budget shall be appended to the Public Utilities Commission budget for state budgetary purposes. Any interest earned on money in the state one-call fund shall be deposited in the fund. The money is continuously appropriated to the board to implement and administer the provisions of this chapter. The one-call notification center may be organized as a nonprofit corporation. The one-call notification center shall provide a service through which a person can notify the operators of underground facilities of plans to excavate and to request the marking of the facilities. All operators are subject to this chapter and the rules promulgated thereto. Any operator who fails to become a member of the one-call notification center or who fails to submit the locations of the operator's underground facilities to the center, as required by this chapter and rules of the board, is subject to applicable penalties under §§ 49-7A-18 and 49-7A-19 and is subject to civil liability for any damages caused by noncompliance with this chapter. Any penalties which may be assessed by the board under this chapter shall be collected as provided by law and deposited into the one-call fund.

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

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