

AN ACT

ENTITLED, An Act to revise certain provisions regarding 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:

49-7A-2. The Statewide One-Call Notification Board is established as an agency of state government and funded by revenue generated by the one-call notification center. The board is attached to the Public Utilities Commission only for budgetary purposes. The board is solely responsible for all contractors and employment of any personnel working for the board and retains responsibility for all funds of the board and all expenditures thereof. The board is solely responsible for all functions and duties vested in the board and the board shall exercise those functions and duties independent of the Public Utilities Commission. 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:

49-7A-28. If the amount of the penalty is not paid to the board, 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.

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

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

Section 4. The provisions of this Act shall take effect on July 1, 2019.

An Act to revise certain provisions regarding South Dakota One Call.

I certify that the attached Act
originated in the

HOUSE as Bill No. 1024

Chief Clerk

Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1024

File No. _____

Chapter No. _____

Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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