

**Sixty-seventh Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1059
(Energy and Natural Resources Committee)
(At the request of the Public Service Commission)

AN ACT to amend and reenact subsection 1 of section 49-23-06 of the North Dakota Century Code, relating to requiring an excavator to call 911 upon damage to a facility that releases any flammable toxic or corrosive gas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 49-23-06 of the North Dakota Century Code is amended and reenacted as follows:

1. a. If any damage occurs to an underground facility or its protective covering, the excavator shall notify the operator as soon as reasonably possible. When the operator receives a damage notice, the operator shall dispatch, as soon as reasonably possible, personnel to the damage area to investigate. If the damage results in the escape of flammable, toxic, or corrosive gas or liquid, the excavator shall:
 - (1) Call 911 immediately; and
 - (2) Notify the pipeline operator immediately.
- ~~b.~~ If the damage endangers life, health, or property, the excavator responsible for the work shall take immediate action to protect the public and property and to minimize the hazard until arrival of the operator's personnel or until emergency responders have arrived and taken charge of the damaged area.
- ~~b-c.~~ An excavator shall delay backfilling in the immediate area of the damaged underground facilities until the damage has been investigated by the operator, unless the operator authorizes otherwise. The repair of damage must be performed by the operator or by qualified personnel authorized by the operator.
- ~~e-d.~~ An excavator is guilty of a class A misdemeanor if the excavator damages an underground facility or its protective covering and knew or reasonably should have known the damage occurred and:
 - (1) The excavator does not notify the operator as soon as reasonably possible; or
 - (2) The excavator backfills in violation of subdivision ~~b-c~~.

Kevin A. Hopfelner
Speaker of the House

Laura Lusk
President of the Senate

Buell J. Reich
Chief Clerk of the House

Shanda Morgan
Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1059.

House Vote: Yeas 93 Nays 1 Absent 0

Senate Vote: Yeas 47 Nays 0 Absent 0

Buell J. Reich
Chief Clerk of the House

Received by the Governor at 3:15 P.M. on April 16, 2021.

Approved at 8:10 P.M. on April 19, 2021.

Doug Burgum
Governor

Filed in this office this 20th day of April, 2021,

at 9:44 o'clock A. M.

Christine Heitsch
Secretary of State