

CHAPTER 348—S.F.No. 2445

An act relating to public safety; regulating excavation notice system; authorizing commissioner of public safety to appoint pipeline safety committee; increasing civil penalty; amending Minnesota Statutes 1996, sections 216D.04, subdivisions 1, 3, and by adding a subdivision; 216D.05; and 216D.08, subdivisions 1 and 3; proposing coding for new law in Minnesota Statutes, chapter 299J; repealing Minnesota Statutes 1996, section 299J.06.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 216D.04, subdivision 1, is amended to read:

Subdivision 1. **NOTICE OF EXCAVATION REQUIRED; CONTENTS.** (a) Except in an emergency, an excavator shall and a land surveyor may contact the notification center and provide an excavation or location notice at least 48 hours before beginning any excavation or boundary survey, excluding Saturdays, Sundays, and holidays. An excavation or boundary survey begins, for purposes of this requirement, the first time excavation or a boundary survey occurs in an area that was not previously identified by the excavator or land surveyor in an excavation or boundary survey notice.

(b) The excavation or boundary survey notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the excavation or boundary survey notice;
- (2) the precise location of the proposed area of excavation or boundary survey;
- (3) the name, address, and telephone number of the excavator or land surveyor or excavator's or land surveyor's company;
- (4) the excavator's or land surveyor's field telephone number, if one is available;
- (5) the type and the extent of the proposed excavation or boundary survey work;
- (6) whether or not the discharge of explosives is anticipated; and
- (7) the date and time when excavation or boundary survey is to commence; and
- (8) the estimated duration of the excavation.

(c) The boundary survey notice may be oral or written, and must contain the following information:

- (1) the name of the individual providing the boundary survey;
- (2) the precise location of the proposed area of the boundary survey;
- (3) the name, address, and telephone number of the land surveyor or the land surveyor's company;
- (4) the land surveyor's field telephone number, if available;
- (5) the extent of the proposed boundary survey;
- (6) the date and time when the boundary survey is to commence.

Sec. 2. Minnesota Statutes 1996, section 216D.04, subdivision 3, is amended to read:

Subd. 3. **LOCATING UNDERGROUND FACILITIES.** (a) An operator shall, within 48 hours after receiving an excavation notice or within 96 hours after receiving a

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location notice from the center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the excavator or land surveyor and operator, locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator and provide readily available information regarding the operator's abandoned and out-of-service underground facilities as shown on maps, drawings, diagrams, or other records used in the operator's normal course of business, without cost to the excavator or land surveyor. The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet of the marked location of the underground facility.

An operator shall, within 96 hours after receiving a location notice for boundary survey from the notification center, excluding Saturdays, Sundays, and holidays, unless otherwise agreed to between the land surveyor and operator, locate and mark or otherwise provide the approximate horizontal location of the underground facilities of the operator, without cost to the land surveyor.

(b) For the purpose of this section, the approximate horizontal location of the underground facilities is a strip of land two feet on either side of the underground facilities.

(c) Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American Public Works Association.

(d) If the operator cannot complete marking of the excavation or boundary survey area before the excavation or boundary survey commencement time stated in the excavation or location notice, the operator shall promptly contact the excavator or land surveyor. If the excavator or land surveyor postpones the excavation or boundary survey commencement time stated in the excavation or location notice by more than 48 hours, or cancels the excavation or boundary survey, the excavator or land surveyor shall notify the notification center.

(e) Effective January 1, 1999, operators shall maintain maps, drawings, diagrams, or other records of any underground facility abandoned or out-of-service after December 31, 1998.

(f) An operator providing information pursuant to this subdivision is not responsible to any person, for any costs, claims, or damages for information provided in good faith regarding abandoned or out-of-service underground facilities.

Sec. 3. Minnesota Statutes 1996, section 216D.04, is amended by adding a subdivision to read:

Subd. 4. LOCATING UNDERGROUND FACILITIES; EXCAVATOR OR LAND SURVEYOR. (a) The excavator or land surveyor shall determine the precise location of the underground facility, without damage, before excavating within two feet on either side of the marked location of the underground facility.

(b) If the excavator or land surveyor postpones the excavation or boundary survey commencement time stated in the excavation or location notice by more than 96 hours, or cancels the excavation or boundary survey, the excavator or land surveyor shall notify the notification center.

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(c) The notification center excavation or location notice will be void six months from the issue date on the notice. A new notice will need to be issued to continue excavation.

Sec. 4. Minnesota Statutes 1996, section 216D.05, is amended to read:

216D.05 PRECAUTIONS TO AVOID DAMAGE.

An excavator shall:

(1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area, using white markings for proposed excavations where practical;

(2) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;

(3) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and

(4) conduct the excavation in a careful and prudent manner.

Sec. 5. Minnesota Statutes 1996, section 216D.08, subdivision 1, is amended to read:

Subdivision 1. **PENALTY.** A person who is engaged in excavation for remuneration or an operator other than an operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner not to exceed \$500 \$1,000 for each violation per day of violation. An operator subject to section 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed under section 299F.60.

Sec. 6. Minnesota Statutes 1996, section 216D.08, subdivision 3, is amended to read:

Subd. 3. **CREDITED TO PIPELINE SAFETY ACCOUNT; APPROPRIATION.** Penalties collected under this section must be deposited in the state treasury and credited to the pipeline safety account to be applied to the reduction of expenses or costs assessed by the commissioner against persons regulated under this chapter. Penalties collected under this section are annually appropriated to the commissioner of public safety.

Sec. 7. [299J.061] ADVISORY COMMITTEE AUTHORIZED.

Subdivision 1. **AUTHORITY.** The commissioner may appoint a pipeline advisory committee to advise the commissioner, director, environmental quality board, and other appropriate federal, state, and local government agencies and officials on matters relating to pipeline safety; routing, construction, and operation. If requested by the commissioner, the committee shall review and comment on proposed rules and the operation of the office of pipeline safety.

Subd. 2. **MEMBERSHIP.** At minimum, the committee must consist of representatives of the hazardous liquid pipeline industry, the gas distribution industry, the gas pipeline industry, the pipeline design and construction industry, state or local government, and the general public.

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Subd. 3. TERMS; COMPENSATION; REMOVAL. The terms, compensation, and removal of committee members are governed by section 15.059.

Sec. 8. REPEALER.

Minnesota Statutes 1996, section 299J.06, is repealed.

Sec. 9. EFFECTIVE DATE.

Sections 7 and 8 are effective June 30, 1998.

Presented to the governor March 30, 1998

Signed by the governor April 2, 1998, 11:05 a.m.

CHAPTER 349—S.F.No. 2302

An act relating to local government; clarifying the conduct of certain county elections; amending Minnesota Statutes 1996, section 375A.12, subdivision 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 375A.12, subdivision 4, is amended to read:

Subd. 4. CONDUCT OF ELECTION. When a referendum is required to be held, the county auditor shall conduct the referendum following the procedures provided in chapter 372, as nearly as possible section 375.20, as far as practicable, and not inconsistent with sections 375A.01 to 375A.10. The referendum may be held at any primary, general or special election held not less than 30 days before the first day on which candidates may file for county office.

Sec. 2. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor March 30, 1998

Signed by the governor April 2, 1998, 11:08 a.m.

CHAPTER 350—H.F.No. 3070

An act relating to energy; transferring proceeds of certain energy conservation accounts to commissioner of children, families, and learning; replacing public utility capital structure approval with security issuance approval; providing for variance for decorative gas lamp; amending Minnesota Statutes 1996, sections 216B.241, subdivision 2a; 216B.49, subdivisions 3 and 4; 216C.19, subdivision 6; and 239.785, subdivision 6; repealing Minnesota Statutes 1996, section 216B.49, subdivision 2.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1996, section 216B.241, subdivision 2a, is amended to read:

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