

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1353

Page 1, line 1, after "to" insert "create and enact a new section to chapter 24-01 of the North Dakota Century Code, relating to relocation of a utility facility; and to", after the third comma insert "and", and remove the fourth comma

Page 1, line 2, remove "and 49-21-07"

Page 1, remove lines 19 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 and 2

Page 3, line 3, replace "department, institution, or state-level authority" with "2" and overstrike "The" and insert immediately thereafter "As used in this section, the"

Page 3, line 10, after "~~to~~" insert:

- "3. The department, in cooperation with utilities, shall develop or adopt procedures for administration of utility facility relocation. The procedures must comply with federal law. At a minimum, the procedures must address notification, coordination, billing, and payment. The department shall coordinate with utilities that are affected by the construction project as early as possible in the project development process.
4. The department shall coordinate utility facility relocations with the affected utility in an effort to minimize cost associated with utility facility relocations.
5. When a utility facility needs to be relocated, the department shall enter an agreement with the utility indicating if the utility facility relocation work is eligible for reimbursement, the estimated cost for the work, the anticipated construction schedule, and the location of the work.
- 6."

Page 3, after line 12, insert:

**"SECTION 2.** A new section to chapter 24-01 of the North Dakota Century Code is created and enacted as follows:

**Relocation of utility facilities - Political subdivision roads.**

1. Whenever a political subdivision determines and orders that any utility facility that is or may be located in, over, along, or under a road under its authority, qualifying for federal aid, should be changed, removed, or relocated to accommodate the construction of a project, the utility owning or operating the facility shall change, relocate, or remove the utility facility in accordance with the order of the political subdivision; provided that the costs of the change, relocation, or removal, including the cost of installing

the facilities in a new location, must be ascertained and paid to the affected utility by the political subdivision as part of the cost of the federally aided project unless the payment would violate a legal contract between the utility and the political subdivision or where the roadway existed before the utility facility.

2. As used in this section:

- a. "Cost of change, relocation, or removal" includes the entire cost incurred by such utility properly attributable to such change, relocation, or removal after deducting therefrom any increase in the value of the new facility and any salvage value derived from the old facility.
- b. "Political subdivision" includes a county, city and county, city, home rule city, service authority, school district, local improvement district, law enforcement authority, water, sanitation, fire protection, metropolitan, irrigation, drainage, or other special district, or any other municipal, quasi-municipal, or public organization.
- c. "Utility" includes all cooperatively, municipally, publicly, or privately owned utilities for supplying water, sewer, light, gas, power, telegraph, telephone, transit, pipeline, or like service to the public.

- 3. The political subdivision, in cooperation with utilities, shall adopt procedures for administration of utility facility relocation. The procedures must comply with federal law. At a minimum, the procedures must address notification, coordination, billing, and payment. The political subdivision shall coordinate with utilities that are affected by the construction project as early as possible in the project development process.
- 4. The political subdivision shall coordinate utility facility relocations with the affected utility in an effort to minimize costs associated with utility facility relocations.
- 5. When a utility facility needs to be relocated, the political subdivision shall enter an agreement with the utility indicating if the utility facility relocation work is eligible for reimbursement, the estimated cost for the work, the anticipated construction schedule, and the location of the work.
- 6. This section does not affect in any way the right of any utility to receive just compensation for the expense of changing, removing, or relocating its facilities located in a private right of way."

Page 4, line 9, after "procedures" insert "or resulting in relocation, change, or removal of facilities"

Page 4, line 10, after "Surcharges" insert ", not including price changes."

Page 5, remove lines 29 and 30

Page 6, remove lines 1 through 22

Renumber accordingly