

HOUSE BILL NO. 1064

Introduced by

Government and Veterans Affairs Committee

(At the request of the Public Service Commission)

1 A BILL for an Act to amend and reenact subsection 7 of section 49-23-01 of the North Dakota
2 Century Code, relating to the definition of excavation.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. AMENDMENT.** Subsection 7 of section 49-23-01 of the North Dakota Century
5 Code is amended and reenacted as follows:

6 7. "Excavation" means any operation in which earth, rock, or other materials in or below
7 the ground is moved or otherwise displaced by means of hand or power tools, power
8 equipment, or explosives and includes grading, trenching, digging, ditching, dredging,
9 drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving.

10 The term does not include:

- 11 a. Opening a grave in a cemetery.
- 12 b. Plowing, cultivating, planting, harvesting, and similar operations in connection
13 with agricultural activities, unless any of these activities disturbs the soil to a
14 depth of eighteen inches [45.72 centimeters] or more.
- 15 c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches
16 [30.48 centimeters] or more.
- 17 d. Normal maintenance of roads and streets if the maintenance does not change
18 the original grade and does not involve the road ditch.
- 19 e. Normal repair and maintenance of track and track bed by a railroad on its own
20 right of way.