

HOUSE BILL NO. 1314

Introduced by

Representatives Uglem, Iverson, Weisz

Senators Heitkamp, Klein, Nichols

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 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
5 Century Code is amended and reenacted as follows:

- 6 7. "Excavation" means any operation in which earth, rock, or other materials in or
7 below the ground is moved or otherwise displaced by means of hand or power
8 tools, power equipment, or explosives and includes grading, trenching, digging,
9 ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing
10 and driving. 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~~ more than twenty-four inches [45.72 60.96 centimeters] or
15 ~~more~~ or to the depth of eighteen inches [45.72 centimeters] or more if within
16 the public right of way of a public road or highway.
 - 17 c. Gardening and landscaping unless it disturbs the soil to a depth of twelve
18 inches [30.48 centimeters] or more.
 - 19 d. Normal maintenance of roads and streets if the maintenance does not change
20 the original grade and does not involve the road ditch.
 - 21 e. Normal repair and maintenance of track and track bed by a railroad on its own
22 right of way.