

January 17, 2025

**House Energy & Natural Resources**  
**HB 1153**

Mr. Chairman and members of the House Energy & Natural Resources Committee, my name is Carey Burke, and I am with the Associated General Contractors of North Dakota (AGC of ND). The AGC of ND has been in existence since 1951 and is the largest construction trade association in North Dakota representing 400 members who perform all types of commercial construction (highway/bridge, vertical commercial, water/utility). Our membership also consists of equipment and material suppliers.

The AGC of ND is here today in support of HB 1153 which proposes to clarify the language in Century Code 49-23 on exemptions to the one call requirement for excavators. The language presented is the result of work done by a coalition comprised of members representing the nine stakeholder categories of the one call system as outlined in the same section of Century Code - Excavators, Cities, Electrical Transmission/Distribution, Telephone, Cable Television, Rural Water, Gas Distribution, Oil or Gas Transmission/Gathering Lines.

Current law states excavators do not need to place a locate request when performing, “**Normal** maintenance of roads and streets if the maintenance does not change the **original** grade...” What is “normal” and what is “original?” Amongst the coalition there were many answers to and opinions on those questions.

After much discussion, the clarifying language presented in HB 1153 was unanimously approved by members of the coalition, as well as the Public Service Commission, which is the enforcement arm of the one call system, and the Association of Counties.

This language will help prevent costly damages to underground utilities and injuries to our valued employees. We encourage you to vote Do Pass.