

1999 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2265

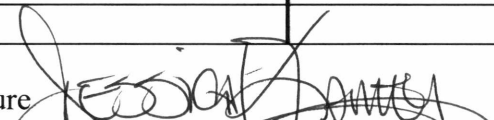
1999 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB2265

Senate Industry, Business and Labor Committee

Conference Committee

Hearing Date January 26, 1999

| Tape Number | Side A | Side B | Meter # |
|---|--------|--------|---------|
| 2 | x | | 0-1900 |
| | | | |
| Committee Clerk Signature  | | | |

Minutes:

Senator Mutch opened the hearing on SB2265. One senator was absent.

Senator St. Aubyn introduced the bill. His testimony is included.

Senator Lyson testified in support of SB2265.

Senator Heitkamp testified in support of SB2265. He said that he was sure that there would be some concerns with the issue of changing the 72 hours to 10 days. Some people feel that 10 days is to long when your dealing with paint and marking grass because the locates can be lost do to weather conditions.

Kirk Peterson, The Associated General Contractors of North Dakota, testified in support of SB2265. His testimony is included.

Senator Krebsbach asked where the 1 call information center is located. The reply was that it was located in Washington.

Page 2

Senate Industry, Business and Labor Committee

Bill/Resolution Number Sb2265

Hearing Date January 26, 1999

Senator Mathern asked what day the one call system started. Kirk Peterson told her that it started on March 1, 19998.

Pinky Evens-Curry, manger and CEO of the Southwest Water Authorities, testified in support of the bill.

Senator Heitkamp asked her how often they don't dig when they are scheduled to dig. She told him that they are on schedule unless weather comes up. Senator Sand asked her if they charge every time they have to do a locate. She told him that they don't charge at anytime.

Dave Colland testified in support of SB2265.

Paul Lacina, manager of Barnes Rural Water Users, testified in opposition to SB2265. His testimony is included.

Senator Sand asked him if the 3 days were working days or calendar days. Senator Heitkamp told him that it was calendars days.

Senator Mutch closed the hearing on SB2265.

Discussion was held.

Senator Sand motioned for a do pass on SB2265. Senator Krebsbach seconded her motion. The motion carried with a 6-0-1 vote.

Senator Mathern will carry the bill.

SIC 61 234

Date: 1/26/99
Roll Call Vote #: 2265

1999 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate INDUSTRY, BUSINESS AND LABOR COMMITTEE Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken DO PASS

Motion Made By SAND Seconded By KREBSBACH

| Senators | Yes | No | Senators | Yes | No |
|-------------------|-----|----|----------|-----|----|
| Senator Mutch | X | | | | |
| Senator Sand | X | | | | |
| Senator Klein | | | | | |
| Senator Krebsbach | X | | | | |
| Senator Heitkamp | X | | | | |
| Senator Mathern | X | | | | |
| Senator Thompson | X | | | | |
| | | | | | |
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| | | | | | |

Total (Yes) 6 No 0

Absent 1

Floor Assignment MATHERN

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE (410)
January 26, 1999 4:20 p.m.

Module No: SR-16-1236
Carrier: D. Mathern
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2265: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2265 was placed on the Eleventh order on the calendar.

1999 HOUSE POLITICAL SUBDIVISIONS

SB 2265

1999 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2265

House Political Subdivisions Committee

Conference Committee

Hearing Date 2-11-99

| Tape Number | Side A | Side B | Meter # |
|--|--------|--------|-----------|
| 1 | x | | 14.5-33.7 |
| | | | |
| | | | |
| Committee Clerk Signature <i>Pam Dever</i> | | | |

Minutes: BILL SUMMARY: Relating to time periods under the One-Call excavation notice system. Chairman Froseth opened the hearing with all committee members present except Rep. Disrud and Rep. Ekstrom.

Sen. Rod St.Aubyn, Dist 43, : testified in support of this bill. (See attached testimony)

Rep. Delmore : 16.6 Would this bill slow down the process with the one call?

Rod : The intent is not to slow down the excavation, just to allow some flexibility, if there is problem with weather, holiday, etc. Actually, it costs the contractors money to delay. They want it done as fast as possible.

Chairman Froseth : Now, if they can't get to the site within 72 hours, they have to renotify the one-call center and start the process all over again.

Rod : That's correct.

Rep. Rose : 17.6 What fees are charged to make these phone calls.

Rod : \$1.05 per call. The contractor who makes the call is charged \$1.05, and the utility that is notified by the one-call center is charged \$1.05. The intent is a shared benefit program by all parties.

Rep. Koppelman : 18.5 How does it work if just an individual calls, who wants to dig in his yard?

Rod : The intent is for everyone. For the private individual, there is no fee.

Rep. Eckre : 19.0 Is there a fee to the city government?

Rod : Yes, a \$1.05 each time. There was concern before, but this bill doesn't address that issue.

Rep. B. Thoreson : 20.0 How many calls would this eliminate for people having to call back again after the 72 hour period?

Rod : I don't know.

Rep. B. Thoreson : Assuming that there would be a reduction, wouldn't that save the city some money.

Rod : I don't think it would be real significant.

Sen. Joel Heitkamp, Dist 27 : 21.0 testified in support of this bill. We need to focus on what this bill is about. If I call and say I have to remove a tree stump in my front yard. The one-call center will notify every utility in the area and will flag and paint your front yard. If you don't get that stump dug up in that three days, by law, you have to call back and relocate. Many cases the paint and flags are still there. What ended up happening is, because of N.D. weather, a lot of times the contractor couldn't get there to get the work done in those three days. The utility was forced to go back out, and you are getting into the expense part. The 10 days is a good change.

Page 3

House Political Subdivisions Committee

Bill/Resolution Number SB 2265

Hearing Date 2-11-99

Curt Peterson, Assoc. of General Contractors; Vice Chair of One-Call N.D. : testified in support of bill. Most other states have a one-call system. We feel it promotes safety. Last year was the first full year of operation. There were 55,000 calls made to the center in N.D. This shows this system was definitely needed. We struggled a bit in the beginning, but now is smooth. One thing we need to do is advertise the 1-800 number more.

Brian McClure, Asplundt One-Call : We are vendor. He explained how the center operates.29.0

Chairman Froseth : Any more testimony for or against? Hearing none, the hearing is closed.

What does committee wish.

ACTION: Rep. Koppelman made a motion to DO PASS and Rep. Delmore seconded the motion.

ROLL CALL VOTE: 13 YES and 0 NO with 2 ABSENT. Passed. Rep. B. Thoreson will carry the bill.

Please type or use black pen to complete

Date 2-11-99

Roll call vote # 1

1999 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2265

House POLITICAL SUBDIVISIONS Committee

- Subcommittee on _____
- Conference Committee

} Identify or check where appropriate

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep. Koppelman Seconded By Rep. Delmore

| Representatives | Yes | No | Representatives | Yes | No |
|--------------------|-----|----|------------------|-----|----|
| Chairman Froseth | / | | Rep. Wikenheiser | / | |
| Vice Chair Maragos | / | | | | |
| Rep. Delmore | / | | | | |
| Rep. Disrud | | | | | |
| Rep. Eckre | / | | | | |
| Rep. Ekstrom | | | | | |
| Rep. Glassheim | / | | | | |
| Rep. Gunter | / | | | | |
| Rep. Johnson | / | | | | |
| Rep. Koppelman | / | | | | |
| Rep. Niemeier | / | | | | |
| Rep. Rose | / | | | | |
| Rep. Severson | / | | | | |
| Rep. Thoreson | / | | | | |

Total 13 0
(Yes) (No)

Absent 2

Floor Assignment Rep. B. Thoreson

If the vote is on an amendment, briefly indicate intent:

DO NOT USE HIGHLIGHTER ON ANY FORMS

REPORT OF STANDING COMMITTEE (410)
February 17, 1999 2:25 p.m.

Module No: HR-32-3361
Carrier: B. Thoreson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2265: Political Subdivisions Committee (Rep. Froseth, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2265 was placed on the Fourteenth order on the calendar.

1999 TESTIMONY

SB 2265

City of Minot

Engineering Department

January 25, 1999

ND League of Cities

RE: Senate Bill 2265

Please be advised that the City of Minot is in support of SB2265 which will permit utility location markings to be valid for 10 days. This will save utility companies and cities additional costs when, for example, the trenching contractor is delayed in his work for more than three days after markings are in place. This can occur for any number of reasons such as emergencies, weather, etc. Under current legislation, if the contractor is delayed in doing the trenching, he must again contact the ONE CALL CENTER, and the utilities must again locate their underground systems. Please forward this letter to the appropriate Senate committee.

Sincerely,



Robert R. Amptman
City Engineer

RRA:jt

★ The Magic City★

Testimony on SB 2265
Senate Industry Business & Labor Committee
January 26, 1999

Chairman Mutch and members of the Senate Industry Business & Labor Committee, for the record I am Senator Rod St. Aubyn, from District 43 in Grand Forks. As one of the original sponsors, the ND Legislature previously adopted a one-call notification system for our state. This system provides that excavators and others can make a just one call to a central site for their intent to excavate and provide the location of the excavation, instead of separate calls to each possible utility company. The Notification Center then makes the calls to all utility companies having facilities in the area.

The permit to proceed with excavation is good for 72 hours. However, this 3 day limit can often cause problems for excavators who may be delayed with their work due to inclement weather or scheduling problems. As a result, it has been suggested that the permit time for excavation be extended to 10 days. I might add that according to Legislative Council staff, this means 10 calendar days.

Mr. Chairman and committee members, this bill is quite simple. It just extends the permitted time after utility locations from 3 days to 10 days. I ask for your support in giving SB 2265 a Do Pass recommendation. Mr. Chairman, there are others who wish to testify and I would suggest that you present your questions at that time. Thank you.



barnes rural water users

p.o. box 299, valley city, n.d. 58072 845-1117

January 26, 1999

TO: Chairman Duane Mutch
Industry and Business Committee
The Great State of North Dakota

RE: SB 2265

Dear Chairman Mutch,

I am present, willing to testify, at the hearing of SB 2265, voicing opposition to a Bill for an Act to amend and re-enact Subdivision g of Subsection 3 of Section 49-23-04 of the North Dakota Century Code, relating to time periods under the One-Call Excavation Notice.

I, Paul Lacina, Manager of Barnes Rural Water Users', Inc., a Non-Profit Corporation of North Dakota, formed to distribute potable water to its' Members, is non-supportive and opposes the time period change of 3 days to ten days.

The time period change of 10 days shall have great negative impact to Utility Operators. Further more, such change shall add, in extreme amounts, to the Utility Operator's operational expense, in facility relocates and added physical exposure to Utility Operator service interruptions, due to the Excavator's accidental dig-ins or near hits to Utility Operator's underground facilities.

The time period change to 10 days is a period whereas, the Excavator must start or complete the work intended. A time period of 10 days is too lengthy. In many instances, the Utility Operator's locate marks or flags may disappear, due to weather or other unavoidable conditions, before the Excavator may arrive on site, possibly in the mid or later part of the 10 day period of time.

Hence, the Utility Operator personnel, will be called back a second time for relocates, thus adding further Utility operational expense.

I strongly feel, any legislative change seems pre-mature, because of the N.D. One-Call System is in its' first year of operation.

As with Utility Operators, Excavators must also become better managers of time scheduling, and develop these skills in this early stage of transition of change.

I encourage your consideration to investigate the negative impact of the 10 day time period change, shall have on public safety and protection to Utility Operator facility and service.

Thank you.

Paul Lacina, Manager