

1.1 moves to amend H.F. No. 1275 as follows:

1.2 Page 1, line 12, delete "type;" and insert "the following types: (i) normal; (ii) meet; or
1.3 (iii) emergency; and"

1.4 Page 1, line 14, delete "; and" and insert a period

1.5 Page 1, delete line 15

1.6 Page 1, after line 18, insert:

1.7 "(c) The commissioner may not use information submitted in a report required under
1.8 this subdivision as evidence in or as the basis of any enforcement action against an operator
1.9 or excavator, and must use the information only to assess the performance of the excavation
1.10 notice system."

1.11 Page 1, after line 18, insert:

1.12 "Sec. 2. Minnesota Statutes 2022, section 216D.04, subdivision 1, is amended to read:

1.13 Subdivision 1. **Notice required; contents.** (a) Except in an emergency, an excavator
1.14 shall and a land surveyor may contact the notification center and provide notice at least 48
1.15 hours, excluding the date of the notice, Saturdays, Sundays, and holidays and not more than
1.16 14 calendar days before beginning any excavation or boundary survey. An excavation or
1.17 boundary survey begins, for purposes of this requirement, the first time excavation or a
1.18 boundary survey occurs in an area that was not previously identified by the excavator or
1.19 land surveyor in the notice.

1.20 (b) The notice may be oral or written, and must contain the following information:

1.21 (1) the name of the individual providing the notice;

1.22 (2) the precise location of the proposed area of excavation or survey;

- 2.1 (3) the name, address, and telephone number of the individual or individual's company;
- 2.2 (4) the field telephone number, if one is available;
- 2.3 (5) the type and extent of the activity;
- 2.4 (6) whether or not the discharge of explosives is anticipated;
- 2.5 (7) the date and time when the excavation or survey is to commence; and
- 2.6 (8) the estimated duration of the activity.

2.7 Sec. 3. Minnesota Statutes 2022, section 216D.04, subdivision 3, is amended to read:

2.8 Subd. 3. **Locating underground facility; operator.** (a) Prior to the excavation start
2.9 time on the notice, or an alternate time agreed to in writing between the operator and
2.10 excavator, an operator shall locate and mark or otherwise provide the approximate horizontal
2.11 location of the underground facilities of the operator and provide readily available information
2.12 regarding the operator's abandoned and out-of-service underground facilities as shown on
2.13 maps, drawings, diagrams, or other records used in the operator's normal course of business,
2.14 without cost to the excavator. The excavator shall determine the precise location of the
2.15 underground facility, without damage, before excavating within two feet of the marked
2.16 location of the underground facility.

2.17 (b) Within 96 hours or the time specified in the notice, whichever is later, after receiving
2.18 a notice for boundary survey from the notification center, excluding Saturdays, Sundays,
2.19 and holidays, unless otherwise agreed to between the land surveyor and operator, an operator
2.20 shall locate and mark or otherwise provide the approximate horizontal location of the
2.21 underground facilities of the operator, without cost to the land surveyor.

2.22 (c) For the purpose of this section, the approximate horizontal location of the underground
2.23 facilities is a strip of land two feet on either side of the underground facilities.

2.24 (d) Markers used to designate the approximate location of underground facilities must
2.25 follow the current color code standard used by the American Public Works Association.

2.26 (e) If the operator cannot complete marking of the excavation or boundary survey area
2.27 before the excavation or boundary survey start time stated in the notice, the operator shall
2.28 promptly contact the excavator or land surveyor.

2.29 (f) After December 31, 1998, operators shall maintain maps, drawings, diagrams, or
2.30 other records of any underground facility abandoned or out-of-service after December 31,
2.31 1998.

3.1 (g) An operator or other person providing information pursuant to this subdivision is
3.2 not responsible to any person, for any costs, claims, or damages for information provided
3.3 in good faith regarding abandoned, out-of-service, or private or customer-owned underground
3.4 facilities.

3.5 Sec. 4. Minnesota Statutes 2022, section 216D.04, is amended by adding a subdivision to
3.6 read:

3.7 Subd. 5. **Intent to excavate.** An excavator may not submit a notice to the notification
3.8 center:

3.9 (1) if the excavator does not intend to excavate in the area of excavation proposed in
3.10 the notice within the period of time covered by the notice; or

3.11 (2) for excavation that cannot reasonably be commenced and substantially finished
3.12 within the period of time covered by the notice.

3.13 Sec. 5. Minnesota Statutes 2022, section 216D.05, is amended to read:

3.14 **216D.05 PRECAUTIONS TO AVOID DAMAGE.**

3.15 An excavator ~~shall~~ must:

3.16 (1) plan the excavation to avoid damage to and minimize interference with underground
3.17 facilities in and near the construction area;

3.18 ~~(2) use white markings for proposed excavations except where it can be shown that it~~
3.19 ~~is not practical~~ communicate the location of the proposed excavation in sufficient detail by
3.20 performing at least one of the following:

3.21 (i) white lining the area of a proposed excavation, with white paint, white flags, or both,
3.22 before giving notice to the notification system; or

3.23 (ii) digitally lining the area of a proposed excavation on a map submitted to the
3.24 notification center;

3.25 (3) maintain a clearance between an underground facility and the cutting edge or point
3.26 of any mechanized equipment, considering the known limit of control of the cutting edge
3.27 or point to avoid damage to the facility;

3.28 (4) provide support for underground facilities in and near the construction area, including
3.29 during backfill operations, to protect the facilities; and

3.30 (5) conduct the excavation in a careful and prudent manner.

4.1 Sec. 6. Minnesota Statutes 2022, section 216D.08, subdivision 1, is amended to read:

4.2 Subdivision 1. **Penalties.** (a) A person who is engaged in excavation for remuneration
4.3 or an operator other than an operator subject to section 299F.59, subdivision 1, who violates
4.4 sections 216D.01 to 216D.07 is subject to a civil penalty to be imposed by the commissioner
4.5 not to exceed \$1,000 for each violation per day of violation. An operator subject to section
4.6 299F.59, subdivision 1, who violates sections 216D.01 to 216D.07 is subject to a civil
4.7 penalty to be imposed under section 299F.60. The commissioner may not issue a notice of
4.8 violation to an operator for violation under section 216D.04, subdivision 3, paragraph (a),
4.9 unless the commissioner has determined that the excavator is not in violation of section
4.10 216D.04, subdivision 5.

4.11 (b) The district court may hear, try, and determine actions commenced under this section.
4.12 Trials under this section must be to the court sitting without a jury. If the fine exceeds the
4.13 maximum limit for conciliation court, the person appealing the fine may request the
4.14 commissioner to conduct an administrative hearing under chapter 14."

4.15 Renumber the sections in sequence and correct the internal references

4.16 Amend the title accordingly