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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 4233

03/12/2026 Authored by Kraft
The bill was read for the first time and referred to the Committee on Energy Finance and Policy
By motion, recalled and re-referred to the Committee on Transportation Finance and Policy

1.1 A bill for an act
1.2 relating to utilities; modifying certain requirements governing the excavation notice
1.3 system, including to require electronic positive response; amending Minnesota
1.4 Statutes 2024, sections 216D.01, by adding a subdivision; 216D.03, by adding a
1.5 subdivision; 216D.04, subdivision 3.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2024, section 216D.01, is amended by adding a subdivision
1.8 to read:

1.9 Subd. 2a. Electronic positive response. "Electronic positive response" means an
1.10 electronic notification from an operator to the notification center regarding the status of a
1.11 locate in the area of a proposed excavation or boundary survey.

1.12 Sec. 2. Minnesota Statutes 2024, section 216D.03, is amended by adding a subdivision to
1.13 read:

1.14 Subd. 6. Electronic positive response. The notification center must make an electronic
1.15 positive response from an operator available to the relevant excavator through electronic
1.16 means.

1.17 Sec. 3. Minnesota Statutes 2024, section 216D.04, subdivision 3, is amended to read:

1.18 Subd. 3. **Locating underground facility; operator.** (a) Prior to the conclusion of the
1.19 locate period, an operator must locate and mark or otherwise provide the approximate
1.20 horizontal location of the underground facilities of the operator and provide readily available
1.21 information regarding the operator's abandoned and out-of-service underground facilities
1.22 as shown on maps, drawings, diagrams, or other records used in the operator's normal course

2.1 of business, without cost to the excavator. Prior to the conclusion of the locate period, an
2.2 operator must provide an electronic positive response through the notification center for
2.3 the notice of excavation. The excavator must determine the precise location of the
2.4 underground facility, without damage, before excavating within two feet of the marked
2.5 location of the underground facility.

2.6 (b) Within 96 hours or the time specified in the notice, whichever is later, after receiving
2.7 a notice for boundary survey from the notification center, excluding Saturdays, Sundays,
2.8 and holidays, unless otherwise agreed to between the land surveyor and operator, an operator
2.9 must locate and mark or otherwise provide the approximate horizontal location of the
2.10 underground facilities of the operator, without cost to the land surveyor. Prior to the
2.11 conclusion of the time period under this paragraph, an operator must provide an electronic
2.12 positive response through the notification center for the notice for boundary survey.

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

2.15 (d) Markers used to designate the approximate horizontal location of underground
2.16 facilities are subject to the following requirements:

2.17 (1) markers must be a combination of paint markings and at least one of the following:
2.18 (i) a flag or flags, (ii) a stake or stakes, or (iii) a whisker or whiskers;

2.19 (2) all markers under clause (1) must follow the current color code standard used by the
2.20 American Public Works Association;

2.21 (3) markers must be located within a plus or minus two-foot tolerance; and

2.22 (4) the name of the operator must be indicated on each flag, stake, or whisker.

2.23 If the surface being marked is hard, markers without flags, stakes, or whiskers may be used
2.24 but must comply with the color code standard and tolerance requirement under clauses (2)
2.25 and (3).

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 must
2.28 promptly contact the excavator or land surveyor.

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

2.31 (g) An operator or other person providing information pursuant to this subdivision is
2.32 not responsible to any person, for any costs, claims, or damages for information provided

3.1 in good faith regarding abandoned, out-of-service, or private or customer-owned underground
3.2 facilities.

3.3 (h) An operator must use geospatial location information or an equivalent technology
3.4 to develop as-built drawings of newly installed or newly abandoned facilities if exposed in
3.5 the excavation area. The requirements under this paragraph apply (1) on or after January 1,
3.6 2026, or (2) on or after January 1, 2027, for an operator that provided services to fewer than
3.7 10,000 customers in calendar year 2025.

3.8 (i) An operator must provide up-to-date contact information to the notification center
3.9 (1) as the contact changes occur, to the extent practicable, and (2) on at least a quarterly
3.10 basis. The contact information must include the name and telephone number of the person
3.11 or persons designated as the operator's contact person or persons for locates.

3.12 **EFFECTIVE DATE.** This section is effective August 1, 2026, except that paragraph
3.13 (i) is effective January 1, 2027.