

## FORM 5, BFM 50.10

(NOTE: A copy of this form may be obtained from the Bureau of Finance and Management. If your rules have a negative fiscal impact on a local government, such as a county or a school district, you must direct the Bureau of Finance and Management to send a copy of its fiscal note to the organizations listed in SDCL 1-26-4.2.)

**ADMINISTRATIVE PROCEDURES ACT  
FISCAL NOTE  
Prepared by Submitting Agency**

	CODE	NAME
<b>DEPARTMENT</b>	26	Public Utilities Commission
<b>DIVISION</b>		
<b>PROGRAM</b>	261066	One-Call Notification Board

PROPOSED RULES: 20:25:01:01, 20:25:02:06, 20:25:03:01, 20:25:03:05.04, 20:25:03:07 and 20:25:03:10.02

Hearing Date: 9/30, 2009

**FISCAL IMPACT STATEMENT:**

Brief description of fiscal impact: Pursuant to 1-26-4.2, these rules have minimal or no impact to all entities. No additional staffing or resources are needed.

**FISCAL NOTE SUMMARY:**

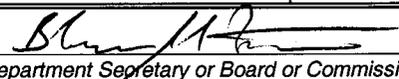
List state agencies of local governmental subdivisions affected.

**COST INCREASES (DECREASES)**

State Agencies:	First-Year Impact	Continuous-Yearly Impact
<b>TOTAL</b>	0	0
<b>Local Subdivisions:</b>		
<b>TOTAL</b>	0	0
<b>Small Business Increases (Decreases)</b>		
<b>TOTAL</b>	0	0

**REVENUE INCREASES (DECREASES)**

Revenue Increases (Decreases) State, Local & Small Business :		
<b>TOTAL</b>	0	0

APPROVED  DATE: 8/28/09  
Signature Department Secretary or Board or Commission Chairman

**ATTACH:** Copy of proposed rules; separate sections for: 1) explanation of rules effect, i.e. what procedures, schedules, activities, etc. will change with its adoption 2) statistics used, and their source, 3) assumptions that were made to arrive at fiscal impact, 4) computations that were made, and 5) small business impact statement

## Explanation of Rules Effect and Fiscal Impact

The One-Call Notification Board is responsible for administering the one-call notification system for the location of underground facilities. It proposes modifications to existing rules.

The effects of the proposed rules changes are as follows:

In section 20:25:01:01, the language is updated to identify and define facilities with the potential to cause significant environmental or safety hazards. Examples may include facilities for the transport of petroleum products or other hazardous materials. These definitions support the language in 20:25:03:01, 20:25:03:07 and 20:25:03:10.02.

In section 20:25:02:06, the language is updated to clarify the organizational structure of the Board. As an agency of the state, administratively attached to the Public Utilities Commission, all financial processes are handled by the Deputy Executive Director of the Commission and record keeping aspects of the Board have been assigned to the One Call Executive Director.

In section 20:25:03:01, language is added to require all high profile facilities to be maintained in a database separate from all other facilities. This allows the Center to identify high profile facilities from other underground facilities.

In section 20:25:03:05.04, language is added to allow the excavator to request notification when the facility operator identifies, prior to field dispatch, that they do not have any underground facilities in the excavation area. The excavator is required to provide three methods to receive notification.

In section 20:25:03:07, language is added to require the Center, at the close of the locate request, to notify the excavator making a locate request when there may be high profile facilities in the area where the excavator identified as his excavation area.

In section 20:25:03:10.02, language is added to provide a detailed process to identify and excavate in proximity to a high profile underground facility to reduce the possibility of damage and injury.

The primary reason for the proposed rule changes is based on the request from the Pipeline Safety Task Force. The intent of said changes will improve the safety of excavators and reduce the potential for damage to a high profile underground facility. There are also some minor changes that will serve to improve the efficiency of the South Dakota One Call System.