Committee on Transportation & Local Government.

After consideration on the merits, the Committee recommends the following:

HB21-1095 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

1. Amend printed bill, page 2, strike lines 2 through 11.

2. Page 3, strike lines 1 through 11.

3. Renumber succeeding sections accordingly.

4. Page 3, line 13, strike "(4)(b)" and substitute "(3)(a)(II) and (4)(b); and add (3)(e)".

5. Page 3, strike line 16 substitute:

"(3) (a) (II) Effective January 1, 2021, except in emergency situations, and except as to an employee or an employer's contractor with respect to the employer's underground facilities, AND EXCEPT AS OTHERWISE PROVIDE IN SUBSECTION (3)(e) OF THIS SECTION, a person shall not make or begin excavation without first notifying the notification association. Notice may be given by electronic methods approved by the notification association or by telephone.

(e) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE

1.5, EXCAVATION THAT IS ROUTINE OR EMERGENCY MAINTENANCE OF THE RIGHT-OF-WAY OF A COUNTY-MAINTAINED GRAVEL OR DIRT ROAD AND IS PERFORMED BY COUNTY EMPLOYEES DOES NOT REQUIRE NOTIFICATION OF THE NOTIFICATION ASSOCIATION UNLESS THE EXCAVATION WILL:

(I) LOWER THE EXISTING GRADE OR ELEVATION OF THE ROAD OR
ANY ADJACENT SHOULDER OR THE HISTORIC ELEVATION OF ANY ADJACENT
DITCH; OR

(II) DISTURB MORE THAN SIX INCHES IN DEPTH AS IT IS
CONDUCTED.

(4) (b) The marking of underground facilities shall be considered
valid".

Page 1, strike lines 103 through 109 and substitute "COUNTY ROAD
MAINTENANCE.".

** ** ** ** ** ** **