

BILL SUMMARY
1st Session of the 58th Legislature

Bill No.:	HB 2028
Version:	SAHB
Request Number:	
Author:	Rep. O'Donnell
Date:	4/29/2021
Impact:	\$0

Research Analysis

The Senate amendment to HB 2028 prohibits an excavator who has actual knowledge that an operator has unmarked hydrocarbon and hazardous liquids underground facilities from commencing excavation or demolition until notice has been given and such facilities have been marked. It also requires the maintenance and preservation of all hydrocarbon and hazardous liquids markings for the duration of the excavation or demolition and requires the excavator to notify the notification center if such marks are no longer visible or removed. Additionally, an excavator is required to check for positive response at the notification center prior to excavating or demolishing. The Senate amendment defines “actual knowledge” to mean direct and clear knowledge.

The Senate amendment to HB 2028 clarifies that if excessive and unreasonable requests for marking are made by an excavator when no excavation is taking place within 14 calendar days, the excavator may be liable to the owner or operator for the cost of such marking. It also clarifies that during any state of emergency declared by the Governor or Legislature that impacts the area of excavation or demolition, the time limitations of this provision will be inapplicable.

Prepared By: Dan Brooks

Fiscal Analysis

HB 2028 in its current form deals with requirements for excavation on or near underground facilities. It should not create a fiscal impact for the State.

The Senate Amendments do not affect this analysis.

Prepared By: Mariah Searock

Other Considerations

None.