2015 SENATE INDUSTRY, BUSINESS AND LABOR

SB 2347

2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2347
2/2/2015
Job Number 22947

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature	Eva Luckelt

Explanation or reason for introduction of bill/resolution:

Relating to markers of excavation sites

Minutes: Attachment

Chairman Klein: Called the committee back to order.

Senator Bowman, District 39: There has been a lot of excavation in our area in the last few years but there have been some problems with markers not being removed after the excavation is done. We have people here that will testify about what the issues are. The ultimate question is who should be responsible for making sure those markers get out of there was they are done. (1:00-2:00)

Senator Sinner: What is a marker?

Senator Bowman: A little red flag where they mark out things or a stake.

Vawnita Best, McKenzie County Commissioner: She said she ranches southeast of Watford City with her family. She asked Senator Bowman to introduce this bill as it is becoming an issue in the four counties of incredibly rapid development. I am also an organizer for The Greater McKenzie County Stewardship Group. They first got together in July and there were approximately seventy service tenants and producers. They were asked what their issues were. They were asked what was causing them to be so fatigued and disenchanted with the energy development right now. This came up with one of the issues. This is what happens, when you think of an 811-1 call marking you probably think of a few flags here and there. What is happening in our area is there are many, many projects simultaneously going on and when they mark those they mark a quarter section. If it's on a production pad which is five acres or less they mark an entire quarter section. For us personally to run our two hundred and seventy five head of cattle it takes a huge, huge, huge amount of acres. Every spring we have to walk all of our fields to make sure those flags are pulled otherwise what we are hearing from producers is they are seeing much more peritonitis in cattle which is referred to as hardware disease. What is happening is you are going through and cutting your hay and those flags are getting clipped and

wrapped up in hay bales and the cattle are consuming them. They are seeing a significant loss in cattle. (2:43-5:14)

Senator Burckhard: It's as simple of removing them when they are done?

Vawnita Best: It appears unfortunately what's happening right now it's becoming the burden of the farmers and ranchers. When time is of the essence they are walking lines and picking up after these littering events. Another concern is there are rules for not removing them too early and they don't know the time of when things are flagged.

Senator Miller: You are basically asking if someone makes a call you want them to send someone out to take care of it?

Vawnita Best: If it's the excavator or the operator she doesn't care as long as it isn't the surface tenants that are bearing that burden. (6:00-9:59)

Chairman Klein: Asked if the ten days was enough time.

Vawnita Best: If it's going to be the excavator ten days is too much because they are gone in ten days.

Senator Campbell: Asked if they could use something else to mark with like spray paint. What type of fine should be put into this?

Vawnita Best: In terms of other marking options she isn't an expert in that and would defer that to someone who would know better. In terms of fining she would be supportive of that and to make it significant enough to correct the issue.

Chairman Klein: Called for support and opposition.

Carlee Mcleod, President of the Utility Share Holders of North Dakota: One call is a safety first type issue and they do not disagree with the concerns that have come before the committee today. We do disagree with the way it is addressed in this bill and before we could support anything we would need to have some amendments made. In the chapter that governs one call 49-23, Miss Best did reference 49-23-05 which is a section called precautions to avoid damages. There is a section that says; the excavator shall assume ownership of materials used to mark the facility, use reasonable efforts to maintain the markings during excavation and when possible remove all tangible marking materials used to mark the facility. I believe that should be covering this but from what we are hearing it isn't. If in fact we need to change the law to be more stringent I think that is the placement then in this section used in the law. Regarding the issue of the excavator versus the operator it should fall on the excavator for removing the flags as the law already puts it in the other section. (13:50-16:08)

Senator Murphy: Asked if she could address the fines.

Carlee Mcleod: The fine is capped at one call center at twenty-five thousand dollars per offense. She feels they should be subject to a fine if they are not removing the flags but it

must be reported and have the PSC investigate. That is a fine available to those people who are leaving flags when they should be picking them up. Carlee was asked questions about the law. (17:00-19:57)

Senator Poolman: Asked if it would be difficult for someone to conduct a PSC investigation when the law says something as wishy washy as; and when possible you should probably think about pulling those flags if you can. Is that where we should go to strengthen that piece so that we are getting to the same purpose without bringing in people that wouldn't be ordinarily responsible for this?

Carlee Mcleod: I don't mean to speak on behalf of the PSC but I imagine that investigation would be difficult and yes I believe this is the section that should be strengthened if in fact that is what the committee decides to do.

Shane Goettle, MDU Resources: He wanted to echo a lot of what Carlee just said but would add that both the Utilities and the Knife River were consulted internally about this we got input from both. As far as MDU is concerned placing the responsibility on the excavators makes the most sense. (22:30-23:50)

David Crothers, North Dakota Association of Telecommunitions Cooperatives: Written Testimony Attached (1). (25:00-27:49)

Senator Poolman: Asked if he would be in supportive of our attempt to strengthen that other section making the excavator, putting a little bit more teeth in forcing them to take them out or would your organization be reluctant to support that as well.

David Crothers: The existing law already transfers ownership to the excavator and we got that language, "if possible", we would be fully supportive of removing that.

Chairman Klein: Asked if they would get together and maybe come up with some language that they could all get on board with. If that would work out with everyone I would appreciate that. He closed the hearing.

2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2347
2/4/2015
Job Number 23226

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature	Eva Liebelt

Explanation or reason for introduction of bill/resolution:

Relating to markers of excavation sites

Minutes: Attachment

Chairman Klein: Said he did bring Carlee in to speak briefly about this bill and asked her to speak about the amendment. Amendment Attached (1).

Carlee Mcleod, President of the Utility Share Holders of North Dakota: This was a collaborative effort. This amendment was in front of Miss Best also and she said it met her concern. What this does is define tangible markings as being stakes, poles, and flags, anything that would be affixed to or inserted into the ground. It clarifies that chalk, paint or any sort of liquid based markings would not be considered tangible markings. Under the section of damage prevention for excavators it takes out," when possible" and inserts, "upon completion" so now the tangible markings that stick out of the ground would have to be removed upon completion of the project.

Senator Murphy: Moved to adopt the amendment, 15.0999.01001.

Senator Sinner: Seconded the motion.

Chairman Klein: Called for discussion.

Roll Call Vote: Yes-7 No-0 Absent-0

Chairman Klein: Called for discussion.

Senator Murphy: Moved a do pass as amended.

Senator Sinner: Seconded the motion.

Roll Call Vote: Yes-7 No-0 Absent-0

Senator Murphy will carry the bill.

15.0999.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Klein
February 3, 2015

TD
2/4/15

PROPOSED AMENDMENTS TO SENATE BILL NO. 2347

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-23-01 and subsection 3 of section 49-23-05 of the North Dakota Century Code, relating to the removal of marking materials at excavation sites.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-23-01 of the North Dakota Century Code is amended and reenacted as follows:

49-23-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Abandoned" means no longer in service and physically disconnected from a portion of the facility or from any other facility that is in use or still carries services.

2. "Board" means the board of directors of the nonprofit corporation governing the notification center under section 49-23-03.

3. "Careful and prudent manner" means excavating within twenty-four inches [60.96 centimeters] of the outer edges of an underground facility located manually and marked by the owner or operator by stakes, paint, or other customary manner, and supporting and protecting the uncovered facility.

4. "Damage" means:

   a. Substantial weakening of structural or lateral support of an underground facility;

   b. Penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or

   c. Impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.

5. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

6. "Emergency responder" means a fire department, a law enforcement officer, or other emergency rescue service.

7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading,

trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include:

a. Opening a grave in a cemetery.

b. Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.

c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.

d. Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.

e. Normal repair and maintenance of track and track bed by a railroad on its own right of way.

8. "Excavator" means a person who conducts excavation.

9. "Holiday" means New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday.

10. "Local governmental unit" means a county, township, or city.

11. "Locate" means an operator's markings of an underground facility showing the approximate horizontal location, including all lines, line direction, intersections, tees, and lateral facilities.

12. "Nonprofit corporation" means a corporation established under chapter 10-33.

13. "Notification center" means a center that receives notice from an excavator of planned excavation or any other request for location and transmits this notice to a participating operator.

14. <u>"Tangible marking materials" means any material perceptible by touch used to mark the location of an underground facility, including flags, stakes, poles, or other materials inserted into or affixed to the ground. The term does not include paint, chalk, or other liquid ink-based materials applied to the ground.</u>

15. "Operator" means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department's facilities buried on the department's rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

~~15.~~16. "Underground facility" means an underground line, pipeline, cable, facility, system, and its appurtenances used to produce, store, convey, gather, transmit, or distribute communications, data, electricity, power, television signals, heat, gas, oil, petroleum products, carbon dioxide, water, steam, sewage, hazardous liquids, and other similar substances. Privately owned and operated underground facilities which do not extend beyond the boundary of the private property are excluded.

~~16.~~17. "Unexpected occurrence" includes a fire, flood, earthquake or other soil or geologic movement, riot, accident, damage to a subsurface installation requiring immediate repair, or sabotage.

~~17.~~18. "Water" includes potable water, wastewater, and storm water.

SECTION 2. AMENDMENT. Subsection 3 of section 49-23-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and ~~when possible~~ remove all tangible marking materials used to mark the facility upon completion of the excavation."

Renumber accordingly

Date: 2/4/2015
Roll Call Vote #: 1

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2347

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: 15.0999.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Senator Murphy Seconded By Senator Sinner

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Murphy	x	
Vice Chairman Campbell	x		Senator Sinner	x	
Senator Burckhard	x				
Senator Miller	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

Date: 2/4/2015
Roll Call Vote #: 2

2015 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. SB 2347

Senate Industry, Business and Labor Committee

☐ Subcommittee

Amendment LC# or Description: 15.0999.01001

Recommendation:
☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Senator Murphy Seconded By Senator Sinner

Senators	Yes	No	Senators	Yes	No
Chairman Klein	x		Senator Murphy	x	
Vice Chairman Campbell	x		Senator Sinner	x	
Senator Burckhard	x				
Senator Miller	x				
Senator Poolman	x				

Total (Yes) 7 No 0

Absent 0

Floor Assignment Senator Murphy

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2347: Industry, Business and Labor Committee (Sen. Klein, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-23-01 and subsection 3 of section 49-23-05 of the North Dakota Century Code, relating to the removal of marking materials at excavation sites.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-23-01 of the North Dakota Century Code is amended and reenacted as follows:

49-23-01. Definitions.

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1. "Abandoned" means no longer in service and physically disconnected from a portion of the facility or from any other facility that is in use or still carries services.

2. "Board" means the board of directors of the nonprofit corporation governing the notification center under section 49-23-03.

3. "Careful and prudent manner" means excavating within twenty-four inches [60.96 centimeters] of the outer edges of an underground facility located manually and marked by the owner or operator by stakes, paint, or other customary manner, and supporting and protecting the uncovered facility.

4. "Damage" means:

   a. Substantial weakening of structural or lateral support of an underground facility;

   b. Penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or

   c. Impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.

5. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

6. "Emergency responder" means a fire department, a law enforcement officer, or other emergency rescue service.

7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading, trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include:

   a. Opening a grave in a cemetery.

b. Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.

c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.

d. Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.

e. Normal repair and maintenance of track and track bed by a railroad on its own right of way.

8. "Excavator" means a person who conducts excavation.

9. "Holiday" means New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday.

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11. "Locate" means an operator's markings of an underground facility showing the approximate horizontal location, including all lines, line direction, intersections, tees, and lateral facilities.

12. "Nonprofit corporation" means a corporation established under chapter 10-33.

13. "Notification center" means a center that receives notice from an excavator of planned excavation or any other request for location and transmits this notice to a participating operator.

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15. "Operator" means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department's facilities buried on the department's rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

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~~16.~~17. "Unexpected occurrence" includes a fire, flood, earthquake or other soil or geologic movement, riot, accident, damage to a subsurface installation requiring immediate repair, or sabotage.

~~17.~~18. "Water" includes potable water, wastewater, and storm water.

SECTION 2. AMENDMENT. Subsection 3 of section 49-23-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and ~~when possible~~ remove all tangible marking materials used to mark the facility upon completion of the excavation."

Renumber accordingly

2015 HOUSE INDUSTRY, BUSINESS AND LABOR

SB 2347

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2347
3/4/2015
24370

☐ Subcommittee
☐ Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Removal of marking materials at excavation sites.

Minutes: Attachment I

Chairman Keiser: Opens the hearing on SB 2347.

Senator Bowman~District 39: Introduces the SB 2347. There is a problem with excavators not pulling the stakes. This bill is to make sure the excavator has the responsibilities to remove the stakes.

Representative Ruby: Is this also the intent for the ditches of the public right of way where farmers and ranchers hay the ditches?

Bowman: I'm just familiar with the cattlemen's concern.

Representative M Nelson: Is there some way we could look at something different that's not caustic for cattle?

Bowman: Someone else here will speak on that.

Troy Coons~Chairman of the North Dakota Landowners Association: (Attachment 1). We have a lot of ranchers and in many cases you have a phone line, water line, gas line or a crude line and you have a half section of alfalfa, you may have several dozen to a couple hundred flags. A couple weeks later, all the little flag parts are gone, you are cutting the hay, conditioning it, bailing it, grinding it and the cattle eat it. The cattle get peritonitis, which causes an inflammation and kills them. This is a real issue for the ranchers. In the fields as well as on you header, it will take out the hay sickle sections. There are other types of flags out there that can be used.

Representative Ruby: This deals with the completion of the excavation, sometimes there is landscaping, trenches or other types. Does this include all the these?

Coons: Correct.

Representative Ruby: In that situation, you rather put the requirement on the person who made that call, not the companies to come back and pull the flags that they put in?

Coons: Correct.

Representative Ruby: Is this in the ditches as well, not just in private property?

Coons: Yes.

Chairman Keiser: Anyone else here to testify in support to SB 2347, opposition?

Mark Dougherty~Membership Services Director for the Associated General Contractors of North Dakota and represent the contractors & excavators for the North Dakota One Call Board: I'm here to oppose the bill largely because it's already statue and there is a penalty. A better way is to make a complaint to the PSC under the One Call Law which you can do on the PSC web site.

Representative Kasper: Obviously there is a problem and it's not being addressed based on the testimony. Why is the problem not being solved?

Dougherty: It might be an education problem and a lot of people don't know the statue. We are working with a group called CGA (Common Ground Alliance) and that group's mission is for this problem.

Representative Laning: Do you know if the code is the same as in this bill?

Dougherty: Yes it is.

Chairman Keiser: Who is supposed to pull the flags?

Dougherty: It's the excavators are supposed pull them. I can tell you that there are a lot of shortcuts taken in this business.

Chairman Keiser: It's agricultural or residential area, if it's in the law, nobody is doing it.

Dougherty: For a long time nobody knew that we had an enforcement part of this thing that the PSC was responsible for it. What needs to happen is if this law is going to work like it's written now, there has to be complaints made to get things done.

Representative Ruby: How big is the education effort because it just isn't contractors, excavators, there is electrician, propane line and each time there is locates from numerous contractors, is this going to encompass everybody?

Dougherty: The CGA's effort in this is going to go to everybody that we can get to come to the educational summit. This truly has to change; we are trying to catch up.

Chairman Keiser: Anyone else here to testify in opposition for Engrossed SB 2347, neutral? Seeing none, closes the hearing. What are the wishes of the committee? Hold it.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2347
3/4/2015
24369

☐ Subcommittee
☐ Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Removal of marking materials at excavation sites.

Minutes:

Chairman Keiser: Opens the work session on SB 2347. We do have it in code.

Representative Kasper: What are the penalties in that section for non-compliance?

Chairman Keiser: We can try to find out, but he thought it was $25,000.

Representative Ruby: I agree with Mr Dougherty that it's not necessary and it's already in law and I would move a Do Not Pass.

Representative M Nelson: Seconded.

Roll call was taken on SB 2347 for a Do Not Pass with 14 yes, 0 no, 1 absent and Representative Amerman will carry the bill.

2015 HOUSE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Peace Garden Room, State Capitol

SB 2347
3/9/2015
24522

☐ Subcommittee
☐ Conference Committee

Ellen LeTang

Explanation or reason for introduction of bill/resolution:

Removal of marking materials at excavation sites.

Minutes: Attachment 1, 2

Chairman Keiser: Opens the work session 2347.

Representative M Nelson: (Attachment 1 & 2). The problem is the medal and it causes hardware disease in cattle. There are plenty of materials that aren't metallic. We came up with a solution that requires the marking only on agriculture land to be non-metallic.

Representative M Nelson: Moves to reconsider SB 2347.

Representative Hanson: Seconded.

Representative Ruby: These don't look too much like the standard of the industry, so what are utilities using other than the metal ones? Other question is what about the ditches where they cut hay and are not considered agriculture.

Representative M Nelson: The basic difference for the flags is you get the PBC shafted flags and there is not significant cost between the metal and plastic flags. The ditches get to be difficult on how to define them, but the thing is the farmer is already picking up metal that people throw out. Ditch hay is not clean hay and the ditches will not be considered agricultural in most cases.

Representative Ruby: According to the bill they are required to move them anyway. The whiskers are too short when you are making hay. They would also be required to remove the plastic ones?

Representative M Nelson: They are still required to move them.

Chairman Keiser: This is a hog house amendment and amending a small section in the current code. It's a simpler approach to this issue but it doesn't put into definition.

Representative Kasper: Are these plastic flags readily available?

Representative M Nelson: I don't believe so and the cost is not much different.

Representative Kasper: Would the cost be similar to the metal and this would not alleviate the current law that they are supposed to still pick them up.

Representative M Nelson: It doesn't change the law but if they don't pick them up, it just won't cause the damage.

INAUDIBLE:

Roll call was taken to reconsider SB 2347 with 13 yes, 1 no, 1 absent, motion carries.

Representative M Nelson: Moves to adopt amendment 15.0999.02001.

Representative Beadle: Seconded.

Voice vote, motion carries.

Representative M Nelson: Moves a Do Pass as Amended.

Representative Kasper: Seconded.

Roll call was taken for a Do Pass as Amended on SB 2347 with 13 yes, 1 no, 1 absent and Representative Amerman will carry the bill.

SC 3/9/15

15.0999.02001
Title.03000

Prepared by the Legislative Council staff for
Representative M. Nelson
March 5, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2347

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code is amended and reenacted as follows:

d. Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American public works association <u>and any flag marker used on agricultural property must be nonmetallic</u>."

Renumber accordingly

Date: Mar 4, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2347

House Industry, Business & Labor Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐

Motion Made By Rep Ruby Seconded By Rep M Nelson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut	X		Representative Louser	X	
Representative Beadle	X		Representative Ruby	X	
Representative Becker	X		Represenative Amerman	X	
Representative Devlin	X		Representative Boschee	X	
Representative Frantsvog	Ab		Representative Hanson	X	
Representative Kasper	X		Representative M Nelson	X	
Representative Laning	X				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Rep Amerman

If the vote is on an amendment, briefly indicate intent:

Date: Mar 9, 2015

Roll Call Vote: 1

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2347

House Industry, Business & Labor Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☒ Reconsider ☐

Motion Made By Rep Nelson Seconded By Rep Hanson

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut	X		Representative Louser	X	
Representative Beadle	X		Representative Ruby		X
Representative Becker	X		Represenative Amerman	X	
Representative Devlin	X		Representative Boschee	X	
Representative Frantsvog	Abs		Representative Hanson	X	
Representative Kasper	X		Representative M Nelson	X	
Representative Laning	X				

Total (Yes) 13 No 1

Absent 1

Floor Assignment

If the vote is on an amendment, briefly indicate intent:

voice vote - motion carried

Date: Mar 9, 2015

Roll Call Vote: 2

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2347

House Industry, Business & Labor Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description: 15.0999.02001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Rep M Nelson Seconded By Rep Beadle

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser			Representative Lefor		
Vice Chairman Sukut			Representative Louser		
Representative Beadle			Representative Ruby		
Representative Becker			Represenative Amerman		
Representative Devlin			Representative Boschee		
Representative Frantsvog			Representative Hanson		
Representative Kasper			Representative M Nelson		
Representative Laning					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:

voice vote - motion carried

Date: Mar 9, 2015

Roll Call Vote: 3

2015 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2347

House Industry, Business & Labor Committee

☐ Subcommittee ☐ Conference Committee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations

Other Actions: ☐ Reconsider ☐

Motion Made By Rep Nelson Seconded By Rep Kasper

Representatives	Yes	No	Representatives	Yes	No
Chairman Keiser	X		Representative Lefor	X	
Vice Chairman Sukut	X		Representative Louser	X	
Representative Beadle	X		Representative Ruby		X
Representative Becker	X		Represenative Amerman	X	
Representative Devlin	X		Representative Boschee	X	
Representative Frantsvog	Ab		Representative Hanson	X	
Representative Kasper	X		Representative M Nelson	X	
Representative Laning	X				

Total (Yes) 13 No 1

Absent 1

Floor Assignment Rep Amerman

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

SB 2347, as engrossed: Industry, Business and Labor Committee (Rep. Keiser, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code is amended and reenacted as follows:

d. Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American public works association <u>and any flag marker used on agricultural property must be nonmetallic</u>."

Renumber accordingly

2015 CONFERENCE COMMITTEE

SB 2347

2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2347
4/2/2015
Job # 25773

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature	Carie Wenzel

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

Minutes: No Attachments

Chairman Burckhard: Opened the conference committee on SB 2347. Asked the House what their position was.

Representative Lefor: In committee the concern was that non-metallic flags be used so that it would be less harmful.

Representative Kasper: We had a long discussion about the marking material that has to be used on agricultural land and a lot of discussion about the damage to animals that ingest metal markings. Representative Nelson brought in a catalogue that showed the pricing between the non-metal markings compared to the metal markings. They were almost identical. So when you consider having an option of having markings that don't damage animals because they can digest the plastic when they ingest it compared to the metal that stays in them and could kill them. You have a loss of weight and sometimes loss of the animal and it didn't make any sense to allow that if you could simply use a plastic that does the same job. We had quite a debate on the bill and in the end we decided to amend it as you see it.

Representative Amerman: If memory serves me correctly, the bill as it came over from the Senate we passed it out with a do not pass almost unanimously at first and then we brought it back for reconsideration after Representative Nelson came up with this plastic marker solution.

Senator Miller: We discussed the plastic flag option. We brought it up in our committee a couple of different times and the issue there is that there is an industry standard and I have used these plastic flags before and they are fine if the ground is mellow to push them in but otherwise they do not go in the ground or they break off and you are in a situation where your marking has disappeared. So they are not safe in that regard. Our solution in the end was just to make the fellow who was the excavator, or whoever is doing the project, when

the project is complete that they have to remove the wire flags. Those are a superior flag and they stay in the ground better.

Senator Murphy: Did you get original testimony from some of the land owners who were worried about the peritonitis?

Representative Lefor: I do not believe so. I think it was Senator Bowman and he came in for a couple of minutes.

Senator Murphy: If I could tell you a bit about that. It might help you get to where we were which is what we would like to see of course. Whether we can get there or not we will have to see. A lady stood here and talked about the peritonitis and the loss of animals. The issue was of course that animals ingest bits of the metal especially after they have not been removed or completely removed from the excavation. Then they get bound up in hay and they get beat up and the animals ingest them when they are feeding on hay. Representative rightly mentioned that. I can see where you got to this deal with the plastic. It really ended up to me to be more of an issue of who cleans up after they are done. We had the parties go outside and knock it around for a while and they came up with this compromise agreement that we eventually passed on the floor and sent to you whereby no matter what you are marking with, essentially, that the excavator cleans up when they are done because they know when they are done. They know that they have to pick it up when they are done. Then the producer that uses the ground then knows that it has been done and they don't have to wait forever. That is why we ended up going where we did.

Representative Kasper: Current law sort of tells the excavator to do that. If you look at the bottom of page 3 of your bill, it says assume ownership of materials used to mark the facility. Use reasonable efforts to maintain markings during excavation remove all tangible marking material used to mark the facility. Current law is that they are supposed to do it. The practicality of it is that they appear not to be doing it. What is the penalty?

Senator Miller: The penalty comes from the public service commissioner. I think they have the authority to levy fines in that aspect if they see it necessary. Someone would have to bring the complaint obviously. The challenge with the current language and why the change was made is that I think that the "when possible" has become kind of the phrase that is a catch all where it is used as an excuse. If you talk to a good contractor who is doing this kind of work they go out and pull the flags when the work is complete.

Representative Kasper: It is nice if all contractors were good contractors but the fact of the matter is that they are not all good. In many cases, as we have heard on many bills, the bad actors are out of state contractors. That does not mitigate the fact that animals might be injured or killed and the bad actor could have left the state. So then where is the recourse and where is the penalty? What about the loss of the animal? If a farmer would lose 2 or 3 animals because of this, where is his recourse?

Chairman Burckhard: I think the fine is up to $25,000 that is imposed by the public service commission for violation.

Representative Kasper: Then that goes to the public service commission and it does not do anything for the animal owner.

Representative Amerman: We never got the feeling there was an agreement that everyone was comfortable with. As a matter of fact, I thought it was quite the opposite. In some of the testimony, I believe from the contractors, that the law was pretty good but what was happening is that no one was turning in complaints. Yes they can go up to $25,000 but if no one turns in a complaint to the PSC you don't know if it going to work or not. That was what swayed a lot of the committee members.

Representative Lefor: Read written testimony from a land owner. I think at the end of the day when we were talking about this we wrestled with the metal aspect of it and that is why we amended it to non-metallic so that it would not be harmful to the livestock or the animals. I recall the ingestion of metal being our big concern. We did start out with a 14-0 do not pass and then when Representative Nelson brought it back he said that he uses it all the time and that is why we changed the markers to non-metallic. It is safer even though that probably is not going to stop the problem of construction companies that don't pick up their flags after they are completed. That is a separate issue.

Senator Murphy: I can see why you went that way but the problem is that the plastic as a marker is not efficacious. Most of the months you cannot get that stuff in the ground and of course that defeats the purpose of marking things in the first place. I wish that we had something like metal that was not metal that we could stick in the ground that is not plastic. The utility companies and all of the people that need these things certainly are not happy with the plastic. The reason that we took out "when possible" is so that when the excavation is done all the tangible marking would be removed. It has to be done. Then we added "upon completion of the excavation" to emphasize. You are right that it does leave potential for metal. We thought they would clean it up better. They know where things are marked and they know when they are done.

Senator Miller: In reference to the tangible marking material, the reason that was put it is because when you delete the "when possible" you have guys that are using paint and chalk. They are supposed to clean them up but I think that the "when possible" gave them the leeway to do nothing. I would like to have Carlie come up and speak about the plastic flag and why that is frowned upon.

Carlie McCloud, Utility Share Holders of North Dakota: The plastic flags are not effective in different sorts of grounds year round as Senator Murphy and Senator Miller pointed out. Utilities have tried them at times to see and they shatter when you try to put them into the ground. They do not withstand the duration if you do get them into the ground. I know that Representative Nelson mentioned that he used them. He uses them during his soil testing period. Which is in what you would call mellow ground and it is during a certain period of time that the ground is more receptive to those sorts of things. As an industry that poses a serious safety risk to anyone digging in the ground. There is no better material at this time than metal to use for the flag markings. The plastic that is out there is not durable at this point.

Representative Kasper: Do you have a sample plastic flag or marker that you could bring?

Carlie McCloud: I do not. Maybe one of the utility people might. Being that they are not used, they may not have any on hand.

Representative Kasper: Is there anyone in the room that knows what they look like and the make-up of them and the stability of them? My point is that I can appreciate the concern about shattering. There are options to shattering. Depending upon the size and consistency of the plastic. There is such a thing as a drill and a shovel that you could use to loosen the ground to put the flag in. I would like to see them to get a feel for it to see if it is a valid argument or if it is just an excuse.

Chairman Burckhard: That is pretty labor intensive.

Senator Miller: Showed the inside of a pen to demonstrate the size of the plastic. Unless we can come to some other conclusion here, the Senate's position is that we want to see these flags picked up because we do not want to see injury to cattle and costs to ranchers. That is a bad thing and it is a horrendous cost to not only the rancher but also the state in tax revenue. We are in a situation where we have an industry standard and they want to make sure that they have safe marking and that they are being followed in order to not end up with a greater cost of severed electrical lines, telephone lines, or pipelines. I am very firm in our position and I would invite you to talk more with the industry. I do not want to see the bill lost. I think it is a necessary position.

Representative Lefor: Speaking for myself, I don't have a problem with section 2. I think that is something that should be done. I could support taking out "when possible" and adding "upon completion". My concern is that in our committee it was a 14-0 do not pass. I don't know if it would cut it to put it back in its original form. I think it bares further discussion and seeing if we can get some industry people up here to see if there is something that we have not talked about. The concern that we had on the House side was that it is a big problem for farmers and rancher.

Chairman Burckhard: Closed the conference committee on SB 2347.

2015 SENATE STANDING COMMITTEE MINUTES

Industry, Business and Labor Committee
Roosevelt Park Room, State Capitol

SB 2347
4/6/2015
Job # 25812

☐ Subcommittee
☒ Conference Committee

Committee Clerk Signature	Carie Wiings

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

Minutes: Attachments 1

Chairman Burckhard: Opened SB 2347 for conference committee discussion. Asked Representative Lefor to make any comments that he might have.

Representative Lefor: See Attachment #1 for information brought to the committee. After the conference committee last Thursday I did meet with members of the landowners association as well as the industry. In reading the bill and all of their testimony, in my opinion with defining the marking materials in code and also under section 2 taking out the words "when possible" to strengthen the legislation as well as putting in "upon completion of the excavation" are two very important items. The testimony of the land owners supports the Senate version and in addition to that the industry said in their testimony that is in front of you that they believe that the strengthening of the legislation would now be clearer. They also said that, as far as metal or plastic, they are both not desirable for cattle etc. Industry and the land owners are all comfortable with the Senate version.

Representative Kasper: I am looking at these comments and I see what they are saying but I do not think we have a resolution for contractors who fail to do what they are supposed to do which is clean up their mess.

Representative Lefor: Moved that the House Recede from the House Amendments.

Senator Miller: Seconded.

A Roll Call Vote Was Taken: 5 yeas, 1 nay, 0 absent.

Motion Carried.

Senator Burckhard and Representative Lefor will carry the bill.

Date: 4/6/15
Roll Call Vote #: 1

2015 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES

BILL/RESOLUTION NO. SB 2347 as (re) engrossed

Senate "Enter committee name" Committee

Action Taken
- ☐ **SENATE accede to House Amendments**
- ☐ **SENATE accede to House Amendments and further amend**
- ☒ **HOUSE recede from House amendments**
- ☐ **HOUSE recede from House amendments and amend as follows**

☐ **Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Lefor Seconded by: Senator Miller

Senators	4/2	4/6		Yes	No		Representatives	4/2	4/6		Yes	No
Burckhard	X	✓		✓			Lefor	X	✓		✓	
Miller	X	✓		✓			Kasper	X	✓			✓
Murphy	X	✓		✓			Amerman	X	✓		✓	
Total Senate Vote							Total Rep. Vote					

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Burckhard House Carrier Lefor

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

REPORT OF CONFERENCE COMMITTEE

SB 2347, as engrossed: Your conference committee (Sens. Burckhard, Miller, Murphy and Reps. Lefor, Kasper, Amerman) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ page 783 and place SB 2347 on the Seventh order.

Engrossed SB 2347 was placed on the Seventh order of business on the calendar.

2015 TESTIMONY

SB 2347

2/2/15 #1

NDATC

NORTH DAKOTA ASSOCIATION OF
TELECOMMUNICATIONS COOPERATIVES

P.O. Box 1144 • Mandan, ND 58554
Phone 701-663-1099 • *Fax 701-663-0707*
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SENATE BILL 2347

SENATE INDUSTRY, BUSINESS AND LABOR COMMITTEE

FEBRUARY 2, 2015

DAVID CROTHERS
NORTH DAKOTA ASSOCIATION OF
TELECOMMUNICATIONS COOPERATIVES

My name is David Crothers from the North Dakota Association of Telecommunications Cooperatives. The Association represents all of the cooperative and independent telephone companies in the State. Those companies serve over 150,000 homes and small businesses and approximately 96 percent of the geographic territory of the State.

Members of the Association strongly oppose Senate Bill 2347. The legislation effectively doubles the work that underground facility owners must do to comply with existing law, creates an obligation that is virtually impossible for us to comply with and transfers ownership from the excavator at the location of the markers to a facility owner who may be many miles away from the actual site of the work.

Today, North Dakota Century Code 49-23-05, subsection 3 mandates an excavator "assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and when possible remove all tangible marking materials used to mark the facility."

The Association believes that it is bad public policy, wasteful and inefficient to adopt a measure that conflicts with existing law and absolves the individual who is on the site and working with the "markers" from any responsibility while requiring the

underground facility owner who is many miles away to retrieve them. For example, Consolidated Telcom, which is headquartered in Dickinson, serves approximately 10,000 square miles and would be required, if Senate Bill 2347 is adopted, to send skilled technicians up to 80 miles one way simply to remove flags from a job site.

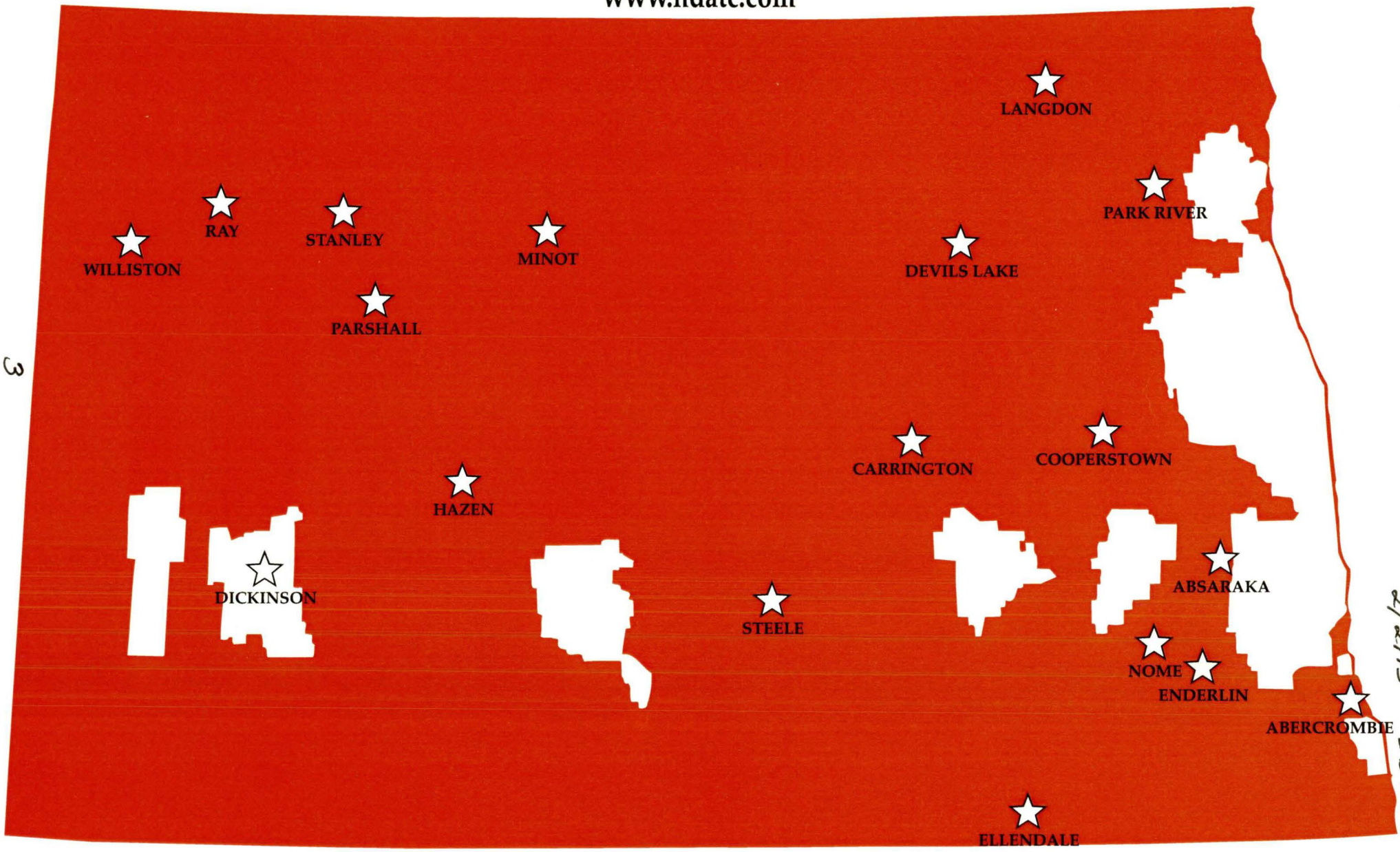
Second, the proposed legislation requires the underground facility owner to remove the "markers" within 10 days following completion of the work. Simply put, members of the Association have no way of knowing when an excavator finishes work on a project. There is no language in Senate Bill 2147 establishing rules for an excavator to notify an entity that work has been completed. The Association would caution, though, that any plan to create such language should mandate that notification be made through the One Call Center to ensure that there is a record of compliance.

Finally, members of the Association, especially in the oil producing counties, are facing tremendous financial pressure complying with existing One Call statutes. A number of telecommunications providers have seen four-fold increases in the amount of locates they are doing annually from just six years ago as economic activity has spiraled. Requiring them to make a second trip that is uncompensated puts a severe financial burden on them.

Members of the North Dakota Association of Telecommunications Cooperatives urge a Do Not Pass recommendation for Senate Bill 2347.

NORTH DAKOTA
ASSOCIATION OF TELECOMMUNICATIONS COOPERATIVES

www.ndatc.com



INDEPENDENT TELEPHONE COMPANY TERRITORY IN NORTH DAKOTA

3

2/2/15 #1 SB2385

#1

2/2/16 SB 2347

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NORTH DAKOTA ASSOCIATION OF TELECOMMUNICATIONS COOPERATIVES

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THE NORTH DAKOTA RURAL TELEPHONE INDUSTRY

- **High-Speed Internet in 278 North Dakota rural communities.**
- **Independent telcos serve 96 percent of North Dakota's geographic territory.**
- **Over $1.3 billion total investment in local telecom infrastructure.**
- **Over $72 million in payroll for rural residents in 2013.**
- **Over 39,000 miles of fiber optic cable.**
- **$298 million in 2010-2012 construction spending on rural telecom infrastructure.**
- **1100 highly trained and educated employees in rural North Dakota communities.**

ABSARAKA TELEPHONE COMPANY
Absaraka, ND 58002
Mgr: Ann Faught
Phone: 701-896-3404

BEK COMMUNICATIONS
Steele, ND 58482
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DAKOTA CENTRAL TELECOMMUNICATIONS
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DICKEY RURAL TELEPHONE
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POLAR COMMUNICATIONS
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RED RIVER COMMUNICATIONS
Abercrombie, ND 58001
Mgr: Jeff Olson
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Website: www.rrt.net

RESERVATION TELEPHONE
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SRT COMMUNICATIONS
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Website: www.srt.com

UNITED TELEPHONE COOPERATIVE
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Mgr: Perry Oster
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Website: www.utma.com

WEST RIVER TELECOMMUNICATIONS
Hazen, ND 58545
Mgr: Bonnie Krause
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Website: www.westriv.com

4

2/4/15 #1

15.0999.01001
Title.

Prepared by the Legislative Council staff for
Senator Klein
February 3, 2015

PROPOSED AMENDMENTS TO SENATE BILL NO. 2347

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 49-23-01 and subsection 3 of section 49-23-05 of the North Dakota Century Code, relating to the removal of marking materials at excavation sites.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-23-01 of the North Dakota Century Code is amended and reenacted as follows:

49-23-01. Definitions.

As used in this chapter, unless the context otherwise requires:

1. "Abandoned" means no longer in service and physically disconnected from a portion of the facility or from any other facility that is in use or still carries services.

2. "Board" means the board of directors of the nonprofit corporation governing the notification center under section 49-23-03.

3. "Careful and prudent manner" means excavating within twenty-four inches [60.96 centimeters] of the outer edges of an underground facility located manually and marked by the owner or operator by stakes, paint, or other customary manner, and supporting and protecting the uncovered facility.

4. "Damage" means:

   a. Substantial weakening of structural or lateral support of an underground facility;

   b. Penetration, impairment, or destruction of any underground protective coating, housing, or other protective device; or

   c. Impact with or the partial or complete severance of an underground facility to the extent that the facility operator determines that repairs are required.

5. "Emergency" means a sudden, unexpected occurrence, involving a clear and imminent danger, and demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services.

6. "Emergency responder" means a fire department, a law enforcement officer, or other emergency rescue service.

7. "Excavation" means any operation in which earth, rock, or other materials in or below the ground is moved or otherwise displaced by means of hand or power tools, power equipment, or explosives and includes grading,

trenching, digging, ditching, drilling, augering, tunneling, boring, scraping, and cable or pipe plowing and driving. The term does not include:

a. Opening a grave in a cemetery.

b. Plowing, cultivating, planting, harvesting, and similar operations in connection with agricultural activities, unless any of these activities disturbs the soil to a depth of eighteen inches [45.72 centimeters] or more.

c. Gardening and landscaping unless it disturbs the soil to a depth of twelve inches [30.48 centimeters] or more.

d. Normal maintenance of roads and streets if the maintenance does not change the original grade and does not involve the road ditch.

e. Normal repair and maintenance of track and track bed by a railroad on its own right of way.

8. "Excavator" means a person who conducts excavation.

9. "Holiday" means New Year's Day, Martin Luther King Day, Presidents' Day, Good Friday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. When a holiday falls on a Saturday, it is observed on the preceding Friday as if the Friday were the holiday, and when a holiday falls on a Sunday, it is observed on the following Monday as if the Monday were the actual holiday.

10. "Local governmental unit" means a county, township, or city.

11. "Locate" means an operator's markings of an underground facility showing the approximate horizontal location, including all lines, line direction, intersections, tees, and lateral facilities.

12. "Nonprofit corporation" means a corporation established under chapter 10-33.

13. "Notification center" means a center that receives notice from an excavator of planned excavation or any other request for location and transmits this notice to a participating operator.

14. <u>"Tangible marking materials" means any material perceptible by touch used to mark the location of an underground facility, including flags, stakes, poles, or other materials inserted into or affixed to the ground. The term does not include paint, chalk, or other liquid ink-based materials applied to the ground.</u>

<u>15.</u> "Operator" means a person who owns or operates an underground facility, including a master meter operator with underground facilities, or a state or local governmental entity. The department of transportation is considered an operator for the department's facilities buried on the department's rights of way. A person is not considered an operator solely because the person is an owner or tenant of real property where underground facilities are located if the underground facilities are used exclusively to furnish services or commodities on that property.

2/4/15 #1

~~15.~~16. "Underground facility" means an underground line, pipeline, cable, facility, system, and its appurtenances used to produce, store, convey, gather, transmit, or distribute communications, data, electricity, power, television signals, heat, gas, oil, petroleum products, carbon dioxide, water, steam, sewage, hazardous liquids, and other similar substances. Privately owned and operated underground facilities which do not extend beyond the boundary of the private property are excluded.

~~16.~~17. "Unexpected occurrence" includes a fire, flood, earthquake or other soil or geologic movement, riot, accident, damage to a subsurface installation requiring immediate repair, or sabotage.

~~17.~~18. "Water" includes potable water, wastewater, and storm water.

SECTION 2. AMENDMENT. Subsection 3 of section 49-23-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Assume ownership of materials used to mark the facility, use reasonable efforts to maintain markings during excavation, and ~~when possible~~ remove all tangible marking materials used to mark the facility upon completion of the excavation."

Renumber accordingly

3/4/15 testimony in support of SB 2347

Representative Keiser and members of the House Industry, Business, and Labor Committee, thank you for the opportunity to offer written testimony in support of 2347.

My name is Vawnita Best and along with my family we ranch southeast of Watford City. Additionally, I have been involved in organizing the Greater McKenzie County Stewardship Group with a mission of ensuring that future generations have the ability to produce food, fiber, energy, and other manufactured goods in a sustainable manner in North Dakota. Also, I am a member of the Northwest Landowners Association.

In July, 2014 I hosted a meeting in Watford City where roughly 70 community members attended and again in October, 2014 where nearly 90 community members and energy representatives participated. In July, we went around the room and shared concerns of energy development as they impact our community and our businesses. Repetitively, livestock producers expressed concern that they were losing livestock to Peritonitis (inflammation of the peritoneum) caused by the ingestion of metal pins in hay and other feedstuffs.

The metal pins in our area are commonly left behind after an 8-1-1 call, location and after the completion of excavation. Large, extensive locations and 'marking' events occur on at minimum of a quarter (160 acres) of land and for 'right of way' projects that footprint can get much larger. In our county they happen often and 'everywhere'.

This negatively impacts both the cow / calf operators as well as the background and feedlot operators in the areas of energy development in North Dakota. It pushes the cost of energy development on to them through the time is takes to walk their fields looking for pins (which often lose the flag and become difficult to find) prior to harvesting forages and it causes them financial lose of livestock mortality (which again has been repetitively expressed by livestock operators).

Again, thank you for the opportunity to submit this written testimony in support of strengthening NDCC 49-23-04.

Sincerely,

Vawnita Best

March 9, 2015

1

15.0999.02001
Title.

Prepared by the Legislative Council staff for
Representative M. Nelson
March 5, 2015

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2347

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code, relating to the use of certain marking flags.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subdivision d of subsection 3 of section 49-23-04 of the North Dakota Century Code is amended and reenacted as follows:

d. Markers used to designate the approximate location of underground facilities must follow the current color code standard used by the American public works association and any flag marker used on agricultural property must be nonmetallic."

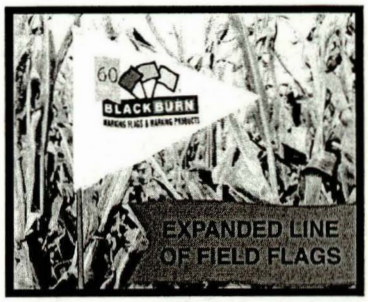
Renumber accordingly

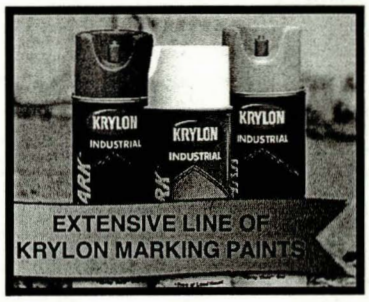
2

Mar 9, 2015
SB 2347

BLACK BURN®

MARKING FLAGS & MARKING PRODUCTS

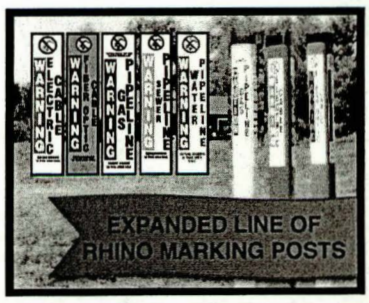




NEW PRODUCTS

NEW SHAPES & SIZES

ENDLESS POSSIBILITIES



1-800-942-5816

www.blackburnflag.com

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Marking Industries Since 1953

BLACKBURN
MARKING FLAGS & MARKING PRODUCTS

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Happy New Year and Welcome to 2015
from all of us at Blackburn Manufacturing!

We thank you for your loyalty and patronage through the years and hope 2014 was successful and profitable for you. Please accept this 2015 BLACKBURN catalog for a quick and easy reference, as well as our 2015 calendar to display in your workplace. Our calendar features our staff, establishment and product spotlights to familiarize you with our company and employees. We hope that you find it useful in the year ahead.

To make ordering easier, we've include a Frequently Asked Question section on page 3 of this catalog, as well as our state regulations section on page 8 for easy reference for our irrigation customers. We have many generic flags already in stock and ready to ship the same day.

We are excited to announce the purchase of a new multi-color digital printer as well as custom cutting equipment. Our new venture will allow us to not only expand our product line and break into new markets, it will also give you more customization options for your signs. You will find a few of the sample products on our new equipment on pages 10 and 11 of this catalog, but please don't limit yourself to those items. Our graphics and print department is excited to turn your ideas into reality. Please bookmark our website at www.blackburnflag.com to see the most up-to-date pricing, as well as new products in the year ahead.

Most of our sales specials are now offered electronically throughout the year, so we encourage you to provide your email address when placing your order. This will ensure notification of all sales specials, as well as news releases on new products and/or services. To sign up, email sales@blackburnflag.com and ask for our digital sales specials. You may unsubscribe at anytime. Please know, we do not share our customer email addresses with anyone and only use them for order verification and sales.

We always welcome your feedback on orders, service and products. Please let us know how we can make your experience at BLACKBURN even better. We are here to serve you! We pledge to treat you with respect, offer the highest quality products and excellent customer service at the lowest possible price. BLACKBURN products are proudly 100% made in the USA, unlike many of our competitors, and we offer the fastest delivery times in the industry.

We look forward to serving you in 2015 and wish you all a very prosperous and Happy New Year.

Sincerely yours,
Jennifer Blackburn-Nielsen, President

Founder E.A. "Bud" Blackburn

Owned, operated and cherished by generations of the Blackburn family.

With the second generation nearing retirement, the third generation is now leading our management team.

Jim Blackburn with daughters Krista Schindler & Jennifer Blackburn-Nielsen

Frequently Asked Questions

MISCELLANEOUS

Can you print on the door hanger bags? No

Do you sell upside down paint? Yes, we sell the inverted marking paint.

Are the snow poles reflective? Yes, the red stripes are reflective.

Is there a minimum order for the snow poles? Yes, the minimum is one box of one color. There are 25 snow poles in each box.

Do you have printed flags in stock? Yes, we have some generic flags in stock available for same day shipping.

Are your flags made in the USA? Yes, unlike our competitors, our flags are American made.

ARTS & GRAPHICS

What file types do you need for logos or graphics? CDR, PDF, EPS or AI. (Must be at least 300dpi.)

How do I send my logo? Email, FAX or upload your file on the last page of the checkout on our website.

What if I don't have an electronic file? We can take your logo off of a business card or letterhead.

How long do you keep my logo? Custom screens not reordered within six years are removed from our files.

Will I get a proof for my new custom printed flags? Yes, approved proofs must be on file before we will process an order.

Can you print on both sides of the vinyl flag? No, the products that are two-sided print are the BMC Marking Signs & Rigid Markers.

Can you do two-color print on the vinyl flags? No, we can do two-color print on the poly flag, BMC signs or rigid markers.

How big is the size of the print area? Depending on the size of the flag, the areas are 2"x2", 3"x3" or 4"x4".

BMC MARKING SIGNS

What sizes are available? 5"x4", 5"x5" and 6"x6"

What is the set-up fee? $20 charge for one-color printing & $20 for a second color.

Are the black step stakes included with the signs? Yes

Can we buy the stakes separately? Yes

What are the ink colors? Black, green, orange, blue, red, yellow, purple, pink, maroon and brown. More available upon request.

RIGID MARKERS

What sizes are available? 4" x 5" & 5" x 5"are our standard sizes.
Please call for custom sizing

What are the available ink colors? Black, green, orange, blue, red & now many more!

Can you print full color? Yes, full color & two sided.

What sign colors are available? White and yellow

What is the set-up fee? There is a one-time set-up fee of $20. If a different print is used for the second side, there is an additional $20 fee charged.

STAFFS

What staff lengths and types are available?
Wire: 11.5", 15", 18", 21", 24", 30", 36"
PVC: 11.5", 18", 24", 27"
Poly Wire: 21", 30"
Fiberglass: 18"
Step-Stakes: 16"

What type of staff is safer for moving equipment? PVC staffs

What type of staff goes into the ground easiest? Wire staffs

Is there an easier way to put flags into hard ground? Try using our 30" carrier probe. It holds 100 flags and has a rubberized handle.

ORDERING

How do I place an order?
Click: blackburnflag.com
Call: 800-942-5816
FAX: 877-887-5171
Email: sales@blackburnflag.com
Mail: PO Box 86
Neligh, NE USA 68756-0086

If we call, can we talk to a real person? Absolutely - we would love to speak with you. Call us toll-free with any questions.

What forms of payment do you accept? We accept Visa, AMEX, Mastercard & Discover Cards, as wells as check, ACH Debit, wire transfers and terms with approved credit.

SHIPPING & FREIGHT

How can I save on shipping? If your order is 150 pounds+, we pass along our freight discount to you. It is less expensive to ship to a commercial address than a residence.
Please call for shipping quotes

Do you ship overseas? Yes, we ship our flags internationally. We cannot ship paint internationally because it is hazardous material.

When will my order ship? Plain flags ship same day. Printed flags - 5-10 days, depending on time of year.

FLAGS

How many color choices are there? Vinyl - 16 colors & Poly - 6 colors

What is banner style vs. flag style? Banner style flags are printed so the staff can be bent at a 90° angle, so the flag hangs like a banner. The print can be seen more easily.

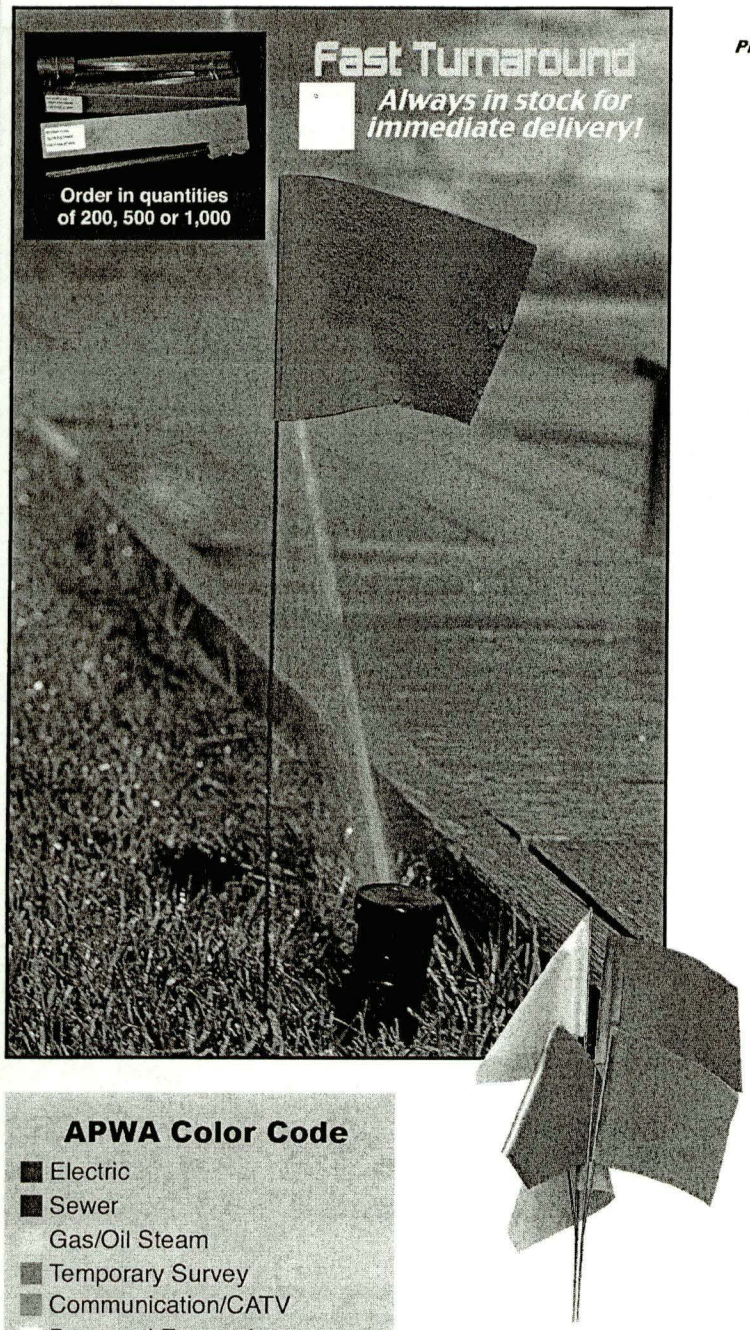
How many flags are in a bundle? Wire staff - 100 flags, Plastic staff - 50 flags

How many whiskers are in a bundle? 25 per bundle with 40 bundles per case

What are the quantity price breaks? 5,000, 10,000 & 25,000

Plain Flags

Pricing subject to change. Check our website or call for current pricing.



All Colors Staff Length	Part#	500 Minimum Order Per Box
Boxes of 500 Plain Vinyl Flags Up to 5 Colors per Box		
4" x 5" (10.2 cm x 12.7 cm)		
21" Wire Staff	451W-500	$27.60
21" Wire Staff	451WF-500	$27.60
18" Plastic Staff	458P-500	$27.10
18" Plastic Staff	458PF-500	$27.10

All Colors Staff Length	Part#	200 Minimum Order Per Box
Boxes of 200 Plain Vinyl Flags Bundles of 50 Mix or Match Bundle Colors		
2½" x 3½" (6.4 cm x 8.9 cm)		
21" Wire Staff	231W-200	$11.80
21" Wire Staff	231WF-200	$11.80
4" x 5" (10.2 cm x 12.7 cm)		
21" Wire Staff	451W-200	$12.20
21" Wire Staff	451WF-200	$12.20

Std. or Flo. Color Staff Length	Part#	1,000	5,000	10,000	25,000+
Wire Staff Plain Vinyl Flags 15.5 gauge steel					M=1,000
2½" x 3½" (6.4 cm x 8.9 cm)					
Std. 11½"	232W	$42.10/M	$40.60/M	$39.10/M	$37.50/M
Flo. 11½"	232WF	$42.10/M	$40.60/M	$39.10/M	$37.50/M
Std. 15"	235W	$44.80/M	$43.20/M	$41.60/M	$39.90/M
Flo. 15"	235WF	$44.80/M	$43.20/M	$41.60/M	$39.90/M
Std. 21"	231W	$49.50/M	$47.80/M	$46.10/M	$44.30/M
Flo. 21"	231WF	$49.50/M	$47.80/M	$46.10/M	$44.30/M
Std. 30"	230W	$57.70/M	$55.70/M	$53.70/M	$51.60/M
Flo. 30"	230WF	$57.70/M	$55.70/M	$53.70/M	$51.60/M
Std. 36"	236W	$62.60/M	$60.40/M	$58.20/M	$55.90/M
Flo. 36"	236WF	$62.60/M	$60.40/M	$58.20/M	$55.90/M
4" x 5" (10.2 cm x 12.7 cm)					
Std. 15"	455W	$49.30/M	$47.60/M	$45.90/M	$44.10/M
Flo. 15"	455WF	$49.30/M	$47.60/M	$45.90/M	$44.10/M
Std. 18"	458W	$51.80/M	$50.00/M	$48.20/M	$46.30/M
Flo. 18"	458WF	$51.80/M	$50.00/M	$48.20/M	$46.30/M
Std. 21"	451W	$54.10/M	$52.20/M	$50.30/M	$48.30/M
Flo. 21"	451WF	$54.10/M	$52.20/M	$50.30/M	$48.30/M
Std. 24"	454W	$56.50/M	$54.50/M	$52.50/M	$50.40/M
Flo. 24"	454WF	$56.50/M	$54.50/M	$52.50/M	$50.40/M
Std. 30"	450W	$61.40/M	$59.20/M	$57.00/M	$54.70/M
Flo. 30"	450WF	$61.40/M	$59.20/M	$57.00/M	$54.70/M
Std. 36"	456W	$66.80/M	$64.50/M	$62.20/M	$59.80/M
Flo. 36"	456WF	$66.80/M	$64.50/M	$62.20/M	$59.80/M
5" x 8" (12.7 cm x 20.3 cm)					
Std. 30"	580W	$70.30/M	$67.80/M	$65.30/M	$62.70/M
Flo. 30"	580WF	$70.30/M	$67.80/M	$65.30/M	$62.70/M
Std. 36"	586W	$74.80/M	$72.10/M	$69.40/M	$66.60/M
Flo. 36"	586WF	$74.80/M	$72.10/M	$69.40/M	$66.60/M
Plastic Staff Plain Vinyl Flags solid ⅛" PVC					
2½" x 3½" (6.4 cm x 8.9 cm)					
Std. 11½"	232P	$40.20/M	$38.70/M	$37.20/M	$35.60/M
Flo. 11½"	232PF	$40.20/M	$38.70/M	$37.20/M	$35.60/M
4" x 5" (10.2 cm x 12.7 cm)					
Std. 18"	458P	$53.50/M	$51.60/M	$49.70/M	$47.70/M
Flo. 18"	458PF	$53.50/M	$51.60/M	$49.70/M	$47.70/M
Std. 24"	454P	$58.70/M	$56.60/M	$54.50/M	$52.30/M
Flo. 24"	454PF	$58.70/M	$56.60/M	$54.50/M	$52.30/M
5" x 6" (12.7 cm x 15.24 cm)					
Std. 27"	567P	$71.40/M	$68.80/M	$66.20/M	$63.50/M
Flo. 27"	567PF	$71.40/M	$68.80/M	$66.20/M	$63.50/M
Fiberglass Staff Plain Vinyl Flags non-conductive, semi-rigid, .080" dia.					
4" x 5" (10.2 cm x 12.7 cm)					
Std. 18"	845F	$141.00/M	$137.30/M	$133.60/M	$129.80/M
Flo. 18"	845FF	$141.00/M	$137.30/M	$133.60/M	$129.80/M

All Colors Staff Length	Part#	1,000	5,000	1,000 Minimum Order 10,000	25,000+
Wire Staff Plain Poly Flags 15.5 gauge steel					M=1,000
4" x 5" (10.2 cm x 12.7 cm)					
21"	Y451W	$58.50/M	$56.40/M	$54.30/M	$52.10/M
30"	Y450W	$68.20/M	$65.70/M	$63.20/M	$60.60/M

Prices Subject To Change

APWA Color Code

- Electric
- Sewer
- Gas/Oil Steam
- Temporary Survey
- Communication/CATV
- Proposed Excavation
- Water
- Reclaimed Non-Potable Water

All Colors

- Black
- Brown
- Silver
- Blue
- Red
- Green
- Orange
- Yellow
- White
- Fl. Orange
- Fl. Lime
- Fl. Pink
- Fl. Rocket Red
- Fl. Green
- Purple
- Clear

Vinyl Plain Flags

Long-Term Dependability
All APWA Colors · 4 Mil.

Standard Flag Colors: Red, White, Yellow, Orange, Blue, Green, Brown, Silver, Purple, Clear, Black
Fluorescent Flag Colors: Flo Orange, Flo Pink, Flo Lime, Flo Rocket Red, Flo Green

High Gloss Poly Plain Flags

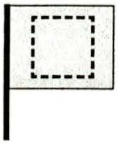
Durable, Glossy Polyethylene
Fade-Resistant · 3 Mil.

Flag Colors: White, Yellow, Red, Orange, Blue, Green

Celebrating 40 YEARS of process printing

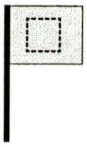
Printed Vinyl Flags

Pricing subject to change. Check our website or call for current pricing.



Classic Flag

Flag Size	Print Area
4" x 5"	3" x 3"
5" x 6"	4" x 4"
5" x 8"	4" x 4"



Mini Flag

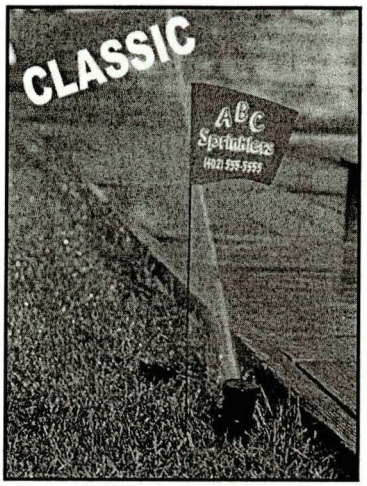
Flag Size	Print Area
2½" x 3½"	2" x 2"

"Thank you so much for sending me the flags for my yard. They're perfect! I'll pass along the good word about you and BlackBurn Flags. A++ customer service!"

Tony G.

Printed Vinyl Flags

Fade-Resistant · All APWA Flag Colors · Custom Printing or Standard Industry Messages in One Ink Color · 4 Mil.



Standard Flag Colors: Red, White, Yellow, Orange, Blue, Green, Brown, Silver, Purple, Clear, Black

Fluorescent Flag Colors: Flo Orange, Flo Pink, Flo Lime, Flo Rocket Red, Flo Green

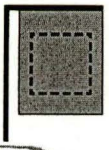
Choose One Ink Color: Black, Green, Yellow, White, Orange, Blue, Red

Std. or Flo. Color Staff Length	Part#	1,000 Minimum Order 1,000	5,000	10,000	25,000+
Wire Staff Classic Flags 15.5 gauge steel					M=1,000
2½" x 3½" (6.4 cm x 8.9 cm) One Ink Color					
Std. 11½"	P232W	$58.80/M	$56.80/M	$54.80/M	$52.70/M
Flo. 11½"	P232WF	$58.80/M	$56.80/M	$54.80/M	$52.70/M
4" x 5" (10.2 cm x 12.7 cm) One Ink Color					
Std. 15"	P455W	$66.60/M	$64.30/M	$62.00/M	$59.60/M
Flo. 15"	P455WF	$66.60/M	$64.30/M	$62.00/M	$59.60/M
Std. 18"	P458W	$69.20/M	$66.90/M	$64.60/M	$62.20/M
Flo. 18"	P458WF	$69.20/M	$66.90/M	$64.60/M	$62.20/M
Std. 21"	P451W	$71.60/M	$69.20/M	$66.80/M	$64.40/M
Flo. 21"	P451WF	$71.60/M	$69.20/M	$66.80/M	$64.40/M
Std. 24"	P454W	$74.10/M	$71.60/M	$69.10/M	$66.50/M
Flo. 24"	P454WF	$74.10/M	$71.60/M	$69.10/M	$66.50/M
Std. 30"	P450W	$79.40/M	$76.80/M	$74.20/M	$71.50/M
Flo. 30"	P450WF	$79.40/M	$76.80/M	$74.20/M	$71.50/M
Std. 36"	P456W	$85.20/M	$82.30/M	$79.40/M	$76.40/M
Flo. 36"	P456WF	$85.20/M	$82.30/M	$79.40/M	$76.40/M
5" x 8" (12.7 cm x 20.3 cm) One Ink Color					
Std. 30"	P580W	$89.00/M	$86.00/M	$83.00/M	$79.90/M
Flo. 30"	P580WF	$89.00/M	$86.00/M	$83.00/M	$79.90/M
Std. 36"	P586W	$93.60/M	$90.50/M	$87.40/M	$84.20/M
Flo. 36"	P586WF	$93.60/M	$90.50/M	$87.40/M	$84.20/M
Plastic Staff Classic Flags solid ⅛" PVC					
2½" x 3½" (6.4 cm x 8.9 cm) One Ink Color					
Std. 11½"	P232P	$57.10/M	$55.20/M	$53.30/M	$51.30/M
Flo. 11½"	P232PF	$57.10/M	$55.20/M	$53.30/M	$51.30/M
4" x 5" (10.2 cm x 12.7 cm) One Ink Color					
Std. 18"	P458P	$71.50/M	$69.10/M	$66.70/M	$64.20/M
Flo. 18"	P458PF	$71.50/M	$69.10/M	$66.70/M	$64.20/M
Std. 24"	P454P	$77.00/M	$74.40/M	$71.80/M	$69.10/M
Flo. 24"	P454PF	$77.00/M	$74.40/M	$71.80/M	$69.10/M
5" x 6" (12.7 cm x 15.24 cm) One Ink Color					
Std. 27"	P567P	$90.70/M	$87.60/M	$84.50/M	$81.30/M
Flo. 27"	P567PF	$90.70/M	$87.60/M	$84.50/M	$81.70/M
Fiberglass Staff Classic Flags non-conductive, semi-rigid, .080" dia.					
4" x 5" (10.2 cm x 12.7 cm) One Ink Color					
Std. 18"	P845F	$172.30/M	$167.70/M	$163.10/M	$158.40/M
Flo. 18"	P845FF	$172.30/M	$167.70/M	$163.10/M	$158.40/M

Indicate the part number when ordering.

Prices Subject To Change

Banner flags are shipped straight. Customer bends the staff when placing it into the ground.



Banner Flag

Flag Size	Print Area
4" x 5"	3" x 3"
5" x 6"	4" x 4"
5" x 8"	4" x 4"

Indicate this flag style when ordering.

Std. or Flo. Color Staff Length	Part#	1,000 Minimum Order 1,000	5,000	10,000	25,000+
Wire Staff Banner Flags 15.5 gauge steel					M=1,000
4" x 5" (10.2 cm x 12.7 cm) One Ink Color					
Std. 18"	P458W	$69.20/M	$66.90/M	$64.60/M	$62.20/M
Flo. 18"	P458WF	$69.20/M	$66.90/M	$64.60/M	$62.20/M
Std. 24"	P454W	$74.10/M	$71.60/M	$69.10/M	$66.50/M
Flo. 24"	P454WF	$74.10/M	$71.60/M	$69.10/M	$66.50/M
5" x 8" (12.7 cm x 20.3 cm) One Ink Color					
Std. 30"	P580W	$89.00/M	$86.00/M	$83.00/M	$79.90/M
Flo. 30"	P580WF	$89.00/M	$86.00/M	$83.00/M	$79.90/M
Std. 36"	P586W	$93.60/M	$90.50/M	$87.40/M	$84.20/M
Flo. 36"	P586WF	$93.60/M	$90.50/M	$87.40/M	$84.20/M
Plastic Staff Banner Flags solid ⅛" PVC					
4" x 5" (10.2 cm x 12.7 cm) One Ink Color					
Std. 18"	P458PB	$71.50/M	$69.10/M	$66.70/M	$64.20/M
Flo. 18"	P458PFB	$71.50/M	$69.10/M	$66.70/M	$64.20/M
Std. 24"	P454PB	$77.00/M	$74.40/M	$71.80/M	$69.10/M
Flo. 24"	P454PFB	$77.00/M	$74.40/M	$71.80/M	$69.10/M
5" x 6" (12.7 cm x 15.24 cm) One Ink Color					
Std. 27"	P567PB	$90.70/M	$87.60/M	$84.50/M	$81.30/M
Flo. 27"	P567PFB	$90.70/M	$87.60/M	$84.50/M	$81.30/M

Prices Subject To Change

Set Up: One-time $20 charge for new screens and screen changes. No set up charge for generic flag imprints or pesticide listings available. See pages 7 and 8. All artwork must be black and white. We accept cdr, eps, ai and pdf formats. If no electronic file can be provided, all we need for your logo is a business card or letterhead.

Custom screens not reordered within six years are removed from our files.

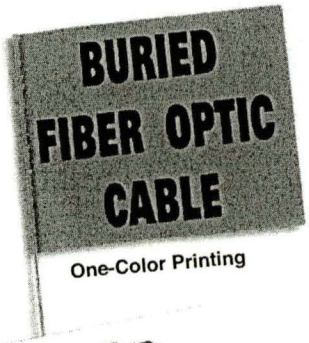
Printed High Gloss Poly Flags

Pricing subject to change. Check our website or call for current pricing.

BLACKBURN
MARKING FLAGS & MARKING PRODUCTS

Custom ink colors are available.
Call for cost and availability.

Customer service is a priority from coast to coast!



One-Color Printing

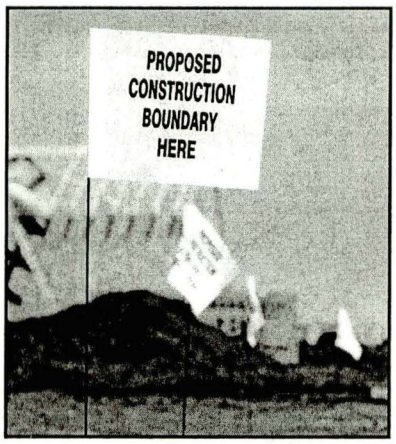
Flag material is flexible, not rigid (rigid markers on page 6).

Two-Color Printing

Two-Color Printing

"We received the flags yesterday! They look awesome. I really appreciate your help throughout this whole process. We're happy with the end product."

Liseth G.,
New Jersey



High Gloss Poly Printed Flags

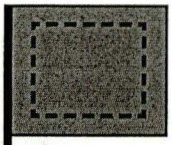
Durable, Glossy Polyethylene
Fade-Resistant · Custom Messages
in One or Two Colors · 3 Mil.

One-Color Printing

Flag Colors: White, Yellow, Red, Orange, Blue, Green
Choose One Ink Color: Black, Green, Orange, Red, Blue, Yellow, Purple, Pink, Maroon, Brown

Two-Color Printing

Flag Color: White Only
Choose Two Ink Colors: Black, Green, Orange, Red, Blue, Yellow, Purple, Pink, Maroon, Brown



High Gloss Poly Flag

Flag Size	Print Area
4" x 5"	3½" x 4"

4,000 Minimum Order

All Colors Staff Length	Part#	4,000	8,000	12,000	24,000+
Wire Staff High Gloss Poly Flags 15.5 gauge steel					M=1,000
4" x 5" (10.2 cm x 12.7 cm) ONE INK COLOR					
21"	PY451W1	$76.30/M	$73.80/M	$71.30/M	$68.70/M
30"	PY450W1	$86.50/M	$83.60/M	$80.700/M	$77.70/M
4" x 5" (10.2 cm x 12.7 cm) TWO INK COLORS					
21"	PY451W2	$78.80/M	$76.30/M	$73.80/M	$71.20/M
30"	PY450W2	$88.70/M	$85.80/M	$82.90/M	$79.90/M

Prices Subject To Change

One or Two-Color Set Up: One-time $20.00 for first color, and $20.00 for the second color for new plates and plate changes. E-mailed artwork can be sent in cdr, eps, ai and pdf formats. If no electronic file can be provided, all we need for your logo is a business card or letterhead.

Custom screens not reordered within six years are removed from our files.

2 Color Marking Signs

Pricing subject to change. Check our website or call for current pricing.

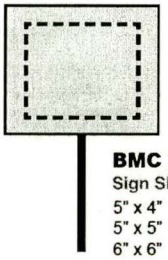
BLACKBURN
MARKING FLAGS & MARKING PRODUCTS

BMC Marking Signs

Heavy-Duty, Water-Resistant Card Stock · One or Two-Color Printing · Durable 16" Black Plastic Step Stake · Sign Has a 12" Ground Clearance · Print One or Two Sides · Ships Unassembled

2 Sided 2 color BMC Marking Signs will be folded.

Ink Colors: Black, Green, Orange, Blue, Red, Yellow, Purple, Pink, Maroon, Brown
On White Signs: Choose One or Two Ink Colors To Print
On Yellow, Green, Orange, Blue or Red Signs: Choose One Ink Color To Print



BMC Marking Sign

Sign Size	Print Area
5" x 4"	4½" x 3"
5" x 5"	4½" x 4"
6" x 6"	5½" x 5"

***Full Color Process Printing Available On Page 10**

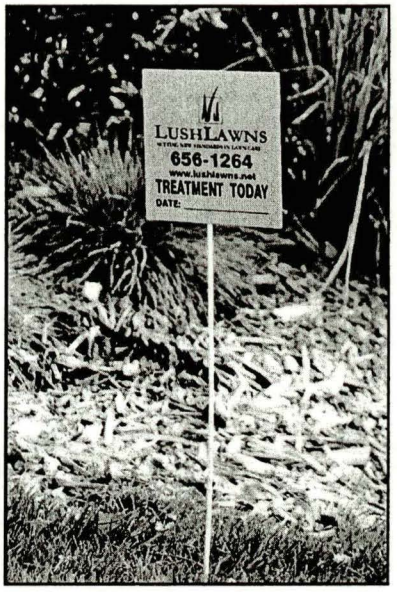
1,000 Minimum Order

Description	Part#	1,000	5,000	10,000	25,000+
5" x 4"					**M=1,000**
One Color/One Side	P54CD11	$123.70/M	$119.70/M	$115.70/M	$111.50/M
Two Colors/One Side	P54CD12	$128.20/M	$123.80/M	$119.40/M	$114.80/M
One Color/Both Sides	P54CD1121	$140.30/M	$135.50/M	$130.70/M	$125.70/M
Two-Color Front/One-Color Back	P54CD1221	$144.80/M	$139.60/M	$134.40/M	$129.00/M
Two Colors/Both Sides	P54CD1222	$149.10/M	$143.50/M	$137.90/M	$132.10/M
5" x 5"					**M=1,000**
One Color/One Side	P55CD11	$127.80/M	$123.30/M	$118.80/M	$114.10/M
Two Colors/One Side	P55CD12	$132.40/M	$127.50/M	$122.60/M	$117.50/M
One Color/Both Sides	P55CD1121	$148.60/M	$143.30/M	$138.00/M	$132.50/M
Two-Color Front/One-Color Back	P55CD1221	$153.10/M	$147.40/M	$141.70/M	$135.80/M
Two Colors/Both Sides	P55CD1222	$157.50/M	$151.40/M	$145.30/M	$139.00/M
6" x 6"					**M=1,000**
One Color/One Side	P66CD11	$138.10/M	$133.10/M	$128.10/M	$122.90/M
Two Colors/One Side	P66CD12	$143.10/M	$137.60/M	$132.10/M	$126.40/M
One Color/Both Sides	P66CD1121	$165.20/M	$159.20/M	$153.20/M	$147.00/M
Two-Color Front/One-Color Back	P66CD1221	$169.70/M	$163.20/M	$156.70/M	$150.00/M
Two Colors/Both Sides	P66CD1222	$174.20/M	$167.50/M	$160.80/M	$153.90/M

Prices Subject To Change

Set Up: One-time $20.00 for first color, and $20.00 for the second color for new plates and plate changes. E-mailed artwork can be sent in cdr, eps, ai and pdf formats. If no electronic file can be provided, all we need for your logo is a business card or letterhead.

Corrugated Rigid Markers



Rigid Marker

Flag Size	Print Area
4" x 5"	3¾" x 4¾"
5" x 5"	4⅛" x 4⅛"

Corrugated Plastic · Print One or Two Sides Fits Onto Durable 16" White PVC Staff · Ships Unassembled

Marker Colors: White, Yellow
Ink Colors: Black, Green, Orange, Blue, Red

1,000 Minimum Order

Description	Part#	1,000	5,000	10,000	25,000+
4" x 5"					**M=1,000**
One Color/One Side	P45RU	$178.50/M	$172.20/M	$165.90/M	$159.70/M
One Color/Two Sides	P45RU	$188.50/M	$182.20/M	$175.90/M	$169.70/M
5" x 5"					
One Color/One Side	P55RU	$204.40/M	$197.30/M	$190.20/M	$183.00/M
One Color/Two Sides	P55RU	$214.40/M	$207.30/M	$200.20/M	$193.00/M

Set Up: One-time $20 for one side set up of new screens and screen changes, $20 set up for second side if screen is different than the front side. E-mailed artwork can be sent in cdr, eps, ai and pdf formats. If no electronic file can be provided, all we need for your logo is a business card or letterhead. Custom screens not reordered within six years are removed from our files.

Clear Door Hanger Bags

5½" x 15" Clear Plastic Bags Bundled · 100 bags Per Header · Perforated to Easily Pull Off Header

Quantity	Part#	Price
Box of 500	DHB-500	$15.00
1-4 Cases of 2,000 Bags	DHB	$27.40
5+ Cases of 2,000 Bags	DHB	$23.40

State Regulation Samples

Pricing subject to change. Check our website or call for current pricing.

We do our best to keep current with state regulations; however, it is the customer's responsibility to confirm compliance before placing an order.

COLORADO

WARNING
PESTICIDES APPLIED

CONNECTICUT

PESTICIDE APPLICATION
PESTICIDE APPLIED ON:
BY:
This sign must remain for 24 hours following pesticide application.

FLORIDA

PESTICIDE APPLICATION
KEEP OFF
UNTIL DRY

GEORGIA

CAUTION
PESTICIDE APPLICATION
KEEP OFF
THIS SIGN MAY BE REMOVED ON THE DAY AFTER APPLICATION

ILLINOIS

LAWN CARE APPLICATION
STAY OFF GRASS UNTIL DRY
FOR MORE INFORMATION CONTACT:

INDIANA

LAWN CARE APPLICATION
KEEP OFF THE GRASS

IOWA

THIS AREA CHEMICALLY TREATED
KEEP OFF
DO NOT REMOVE FOR 24 HRS.

IOWA

THIS AREA CHEMICALLY TREATED
KEEP OFF DO NOT REMOVE SIGN FOR 24 HOURS

KENTUCKY

LAWN CARE APPLICATION
PLEASE STAY OFF GRASS UNTIL DRY

MAINE

CAUTION
PESTICIDE APPLICATION
DATE & TIME OF APPLICATION
RE-ENTRY PRECAUTIONS
SIGN REMOVAL DATE

MARYLAND

CAUTION
PESTICIDE APPLICATION
KEEP OFF
CUSTOMER: PLEASE REMOVE AFTER 48 HOURS

MASSACHUSETTS

CAUTION
PESTICIDE APPLICATION
KEEP OFF

MICHIGAN

CAUTION
PESTICIDE APPLICATION
KEEP OFF UNTIL DRY
CUSTOMER: PLEASE REMOVE AFTER 24 HOURS

MINNESOTA

THIS AREA CHEMICALLY TREATED
KEEP CHILDREN & PETS OFF
UNTIL: _____
PESTICIDES APPLIED: _____

NEW JERSEY

PESTICIDE TREATED AREA
CUSTOMER: PLEASE REMOVE AFTER 72 HRS.

NEW YORK

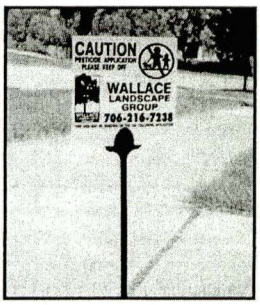
PESTICIDE APPLICATION
DO NOT ENTER
DO NOT REMOVE SIGN FOR 24 HOURS
DATE:_____ TIME:____

OHIO

LAWN CHEMICAL APPLICATION
KEEP OFF
ABUTTING RESIDENTS MAY RECEIVE ADVANCE NOTICE
Lawn pesticide signs must remain in place for 24 hrs. following a weed application.

RHODE ISLAND

LAWN CHEMICALS APPLIED
KEEP POSTED FOR 48 HOURS
DATE OF CHEMICAL APPLICATION: _____



VERMONT

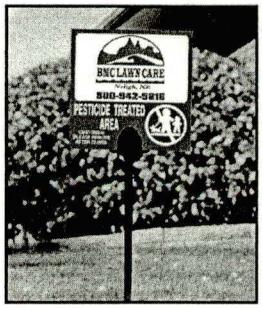
CAUTION
PESTICIDE APPLICATION
KEEP OFF UNTIL DRY
CUSTOMER: DO NOT REMOVE FOR 24 HRS.

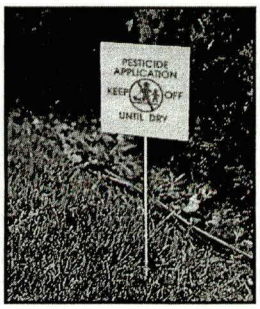
WASHINGTON

THIS LANDSCAPE HAS BEEN TREATED BY
FOR MORE INFORMATION PLEASE CALL

WISCONSIN

PESTICIDE APPLICATION
PLEASE KEEP OFF
DO NOT REMOVE UNTIL SUNSET ON _____
FOR ADDITIONAL INFORMATION ON THE APPLICATION AND FUTURE APPLICATIONS CALL





GENERIC FLAG IMPRINTS

No set up charge for use of these screens. Refer to the screen number when ordering.
Green industry, pesticide, irrigation and dog fence screens are also available.
Tell us what you need and we'll check our listings for you.

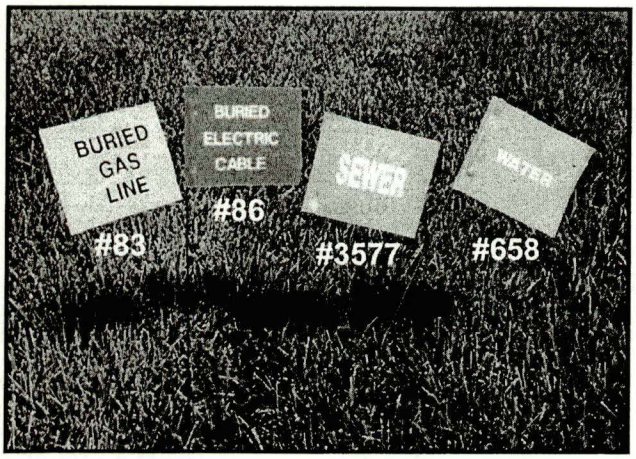
Screen Number	Electric
86	Buried Electric Cable
737	Buried Electric Line
370	Buried Power
92	Caution Buried Electric Cable
462	Electric
765	Underground Electric
	Gas
83	Buried Gas Line
443	Buried Natural Gas Line
119	Caution Buried Gas Line
583	Gas
1008	Gas Line
1348	WARNING Buried Gas Line

Screen Number	Sewer
1184	Buried Sewer Line
3727	Caution Buried Sewer Line
1463	Sanitary Sewer
3577	Sewer
257	Sewer Line
	Survey
15547	Survey Flag
8043	Survey Marker
15778	Survey Marker Below
54	Survey Property Corner
Screen Number	**Water**
451	Buried Water Line
2671	CAUTION Buried Water Line
658	Water
5965	Water Line Hand Dig
15423	Reclaimed Water

Screen Number	TV and CATV
6134	Buried Cable TV
6539	Buried CATV
1968	Buried CATV Cable
484	Cable TV
2081	CATV
1517	CATV Buried Cable
407	CAUTION Buried Cable
3004	CAUTION Buried CATV Cable
Screen Number	**Telephone**
1	Buried (Bell logo) Cable
408	Buried Cable
4708	Buried Fiber Optic
11362	Buried Fiber Optic Cable
4810	Buried (Independent logo) Cable
992	Buried Telephone Cable
1909	Caution Buried Telephone Cable
1762	Telephone

Generic Flag Imprints

In Stock For Same Day Shipping



Now In Stock!

Screen Number	Message
83	Buried Gas Line
86	Buried Electric Cable
3577	Sewer
658	Water

Staff Length	Part#	1,000	5,000	10,000	25,000+
Wire Staff Printed Vinyl Flags 15.5 gauge steel M=1,000					
4" x 5" (10.2 cm x 12.7 cm)					
Std. 21"	P451W	$71.60/M	$69.20/M	$66.80/M	$64.40/M

Barricade Tape

Bold Black Imprint on Durable 3 Mil. Tape • English, Spanish and Bilingual Messages • 3" Yellow and Red

Message	Tape Color	Part#	Length	Minl. Order	1-11 Rolls	12+ Rolls
Caution	Yellow	33SLYCC	300'	3	$5.90	$5.30
Caution	Yellow	31SLYCC	1000'	1	$10.95	$10.00
Caution Do Not Enter	Yellow	33SLYCDNE	300'	3	$5.90	$5.30
Caution Do Not Enter	Yellow	31SLYCDNE	1000'	1	$10.95	$10.00
Danger	Red	33SLRDD	300'	3	$5.90	$5.30
Danger	Red	31SLRDD	1000'	1	$10.95	$10.00
Open Trench	Yellow	31SLYOT	1000'	1	$10.42	$9.52

Prices Subject to Change.

Price quotes available on custom printed barricade tape.

Custom Process Sign Printing

Pricing subject to change. Check our website or call for current pricing.

800-9

CALL US & FOR

Standard Square Multicolor Signs

We can now customize your marking sign with various sizes to make your company stand out.

BMC signs are weather coated cardstock and rigid signs are corrugated plastic.

Smaller quantities and full color process now available.

As with most of our products custom sizes and designs are available. Please call for a price quote.

Set Up: One-time $20.00 for first side, and $20.00 for the second side for new plates and plate changes. E-mailed artwork can be sent in cdr, eps, ai and pdf formats. If no electronic file can be provided, all we need for your logo is a business card or letterhead.

BMC Cardstock Signs — Prices Subject To Change

	Quantity:	150	500	1,000
5" x 4"	**Part #**			
1 Side-3 Spot Colors	S54CD13	$43.30	$104.20	$143.70
1 Side-Process Print	S54CD1M	$46.80	$111.50	$153.70
2 Sides-3 Spot Colors	S54CD1323	$62.80	$125.90	$173.70
2 Sides-Process Print	S54CD2M	$67.80	$133.20	$183.70
	Quantity:	**120**	**500**	**1,000**
5" x 5"	**Part #**			
1 Side-3 Spot Colors	S55CD13	$44.80	$107.20	$147.80
1 Side-Process Print	S55CD1M	$48.40	$114.40	$157.80
2 Sides-3 Spot Colors	S55CD1323	$64.40	$128.90	$177.80
2 Sides-Process Print	S55CD2M	$69.60	$136.20	$187.80
	Quantity:	**80**	**500**	**1,000**
6" x 6"	**Part #**			
1 Side-3 Spot Colors	S66CD13	$50.80	$124.00	$171.00
1 Side-Process Print	S66CD1M	$54.90	$133.40	$184.00
2 Sides-3 Spot Colors	S66CD1323	$79.70	$160.20	$221.00
2 Sides-Process Print	S66CD2M	$86.10	$169.70	$234.00

Rigid Corrugated Signs — Prices Subject To Change

	Quantity:	150	500	1.000
4" x 5"	**Part #**			
1 Side-2 Spot Colors	S45RU12	$54.80	$114.60	$180.00
1 Side-3 Spot Colors	S45RU13	$57.00	$141.40	$185.00
1 Side Process Print	S45RU1M	$59.30	$150.80	$190.00
2 Sides 1 Color	S45RU1121	$60.00	$160.20	$200.00
2 Sides 2 Colors	S45RU1222	$64.90	$124.00	$205.00
2 Sides 3 Colors	S45RU1323	$70.20	$133.40	$210.00
2 Sides Process Print	S45RU2M	$75.90	$160.20	$215.00
	Quantity:	**120**	**500**	**1,000**
5" x 5"	**Part #**			
1 Side-2 Spot Colors	S55RU12	$62.40	$150.90	$208.10
1 Side-3 Spot Colors	S55RU13	$64.90	$156.70	$216.10
1 Side Process Print	S55RU1M	$67.50	$162.50	$224.10
2 Sides 1 Color	S55RU1121	$70.50	$170.45	$235.10
2 Sides 2 Colors	S55RU1222	$76.30	$176.30	$243.10
2 Sides 3 Colors	S55RU1323	$85.50	$182.10	$251.10
2 Sides Process Print	S55RU2M	$92.50	$187.90	$259.10

Political Signs
Real Estate
Team Support
Upcoming Events
Open Houses
& Much More!

Prices Subject To Change

Large Coroplast Signs

Quantity:	14	28	42
18" x 12"			
1 Side-1 Color	$13.90	$10.70	$8.30
1 Side-2 Spot Colors	$16.90	$13.70	$11.30
1 Side-3 Spot Colors	$19.90	$15.70	$14.30
1 Side Process Print	$22.90	$18.20	$17.30
2 Sides 1 Color	$17.80	$13.70	$10.60
2 Sides 2 Colors	$20.80	$16.20	$13.60
2 Sides 3 Colors	$23.80	$18.70	$16.60
2 Sides Process Print	$26.80	$21.20	$19.60
Quantity:	**10**	**20**	**40**
23.5" x 12"			
1 Side-1 Color	$19.90	$15.30	$11.80
1 Side-2 Spot Colors	$22.90	$18.30	$14.80
1 Side-3 Spot Colors	$25.90	$21.30	$17.80
1 Side Process Print	$28.90	$24.30	$20.80
2 Sides 1 Color	$23.80	$18.30	$14.10
2 Sides 2 Colors	$26.80	$21.30	$17.10
2 Sides 3 Colors	$29.80	$24.30	$20.10
2 Sides Process Print	$32.80	$27.30	$23.10
Quantity:	**6**	**12**	**42**
30" x 23.5"			
1 Side-1 Color	$33.20	$25.50	$19.70
1 Side-2 Spot Colors	$36.20	$28.50	$22.70
1 Side-3 Spot Colors	$39.20	$31.50	$25.70
1 Side Process Print	$42.20	$34.50	$28.70
2 Sides 1 Color	$38.40	$29.50	$22.80
2 Sides 2 Colors	$41.40	$32.50	$25.80
2 Sides 3 Colors	$44.40	$35.50	$28.80
2 Sides Process Print	$47.40	$38.50	$31.80

42-5816

WITH YOUR IDEAS PRICE QUOTES!

Custom Cut Signs

Pricing subject to change. Call for current pricing.

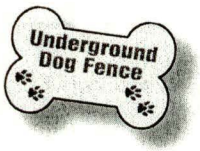
Custom Cut Signs

We can customize your marking sign with various sizes to make your company stand out.

BMC signs are weather coated cardstock and rigid signs are corrugated plastic.

We are able to do custom cuts to your signs.

Call us with your ideas and for price quotes.



Custom cut signs make great markers for pet waste removal services!

Custom Door Hangers

Priced Per Each

Custom Door Hangers			
1 Sided Process Print			
Qty: 140	Qty: 280	Qty: 560	Qty: 980
$.84	$.76	$.58	$.42
Add 1 Spot Color To Side 2			
Qty: 140	Qty: 280	Qty: 560	Qty: 980
$1.30	$1.16	$.88	$.57

Looking for clear door hanger bags? We have those available also. See page 7 for details.

Make your business stand out with a custom shape!

Marking Products

Pricing subject to change. Check our website or call for current pricing.

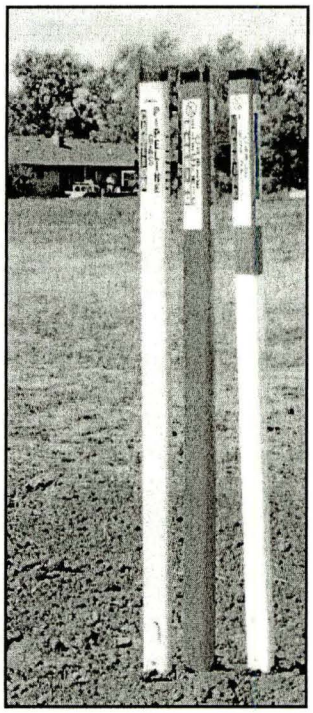
Rhino Marking Posts

One-Rail, Three-Rail and TriView Posts PolyTech UV Protective Coating Standard and Custom Decals

Size	10-99 Each	100+ Each
Standard Post Decals		
2⅞" x 14"	$1.90	
2⅜" x 14" (1 Rail Marker)	$1.90	
Custom Post Decals $70 Custom Set Up Charge		
2⅞ x 14"	$4.50	$1.90
2⅜" x 14" (1 Rail Marker)	$4.50	$1.90

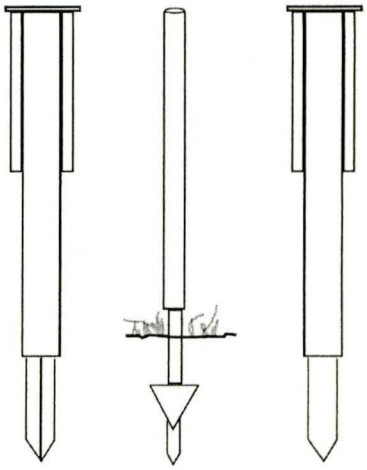
Prices Subject To Change

PolyTech Coating		20 Per Case	
Rhino 3-Rail Posts			
All Colors Available			
Length	**Part#**	**20-100**	**120-200**
62" (5'2")	R3R-62	$20.10	$18.80
66" (5'6")	R3R-66	$21.20	$19.80
72" (6')	R3R-72	$22.80	$21.30
Rhino Hybrid 1-Rail Posts			
All Colors Available			
Length	**Part#**	**20-100**	**120-200**
66" (5'6")	RH1R-66	$12.60	$11.70
72" (6')	RH1R-72	$13.20	$12.30
Rhino Tri-View Posts			
All Colors Available			
Length	**Part#**	**20-100**	**120-200**
48" (4')	TVF-48	$15.30	$14.30
60" (5')	TVF-60	$18.00	$16.80
66" (5'6")	TVF-66	$19.30	$18.10
72" (6')	TVF-72	$20.70	$19.40
Rhino FiberCurve Posts			
All Colors Available			
Length	**Part#**	**20-100**	**120-200**
62" (5'2")	RFC-62	$19.20	$18.00
66" (5'6")	RFC-66	$20.20	$18.90
72" (6')	RFC-72	$21.90	$20.50



Fiberglass Post Installation Tools

Flat post installation tools are used with the Rhino 3-Rail, 4-Rail, Fibercurve, and 1-Rail



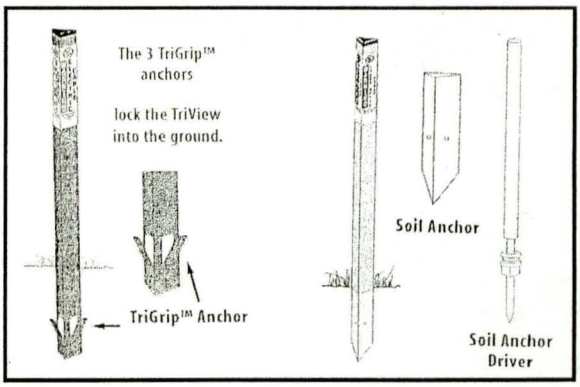
FPD-44 PHD-100 FPD-33N

FPD-44 The flat post driver can be used to install 62" to 78" posts.

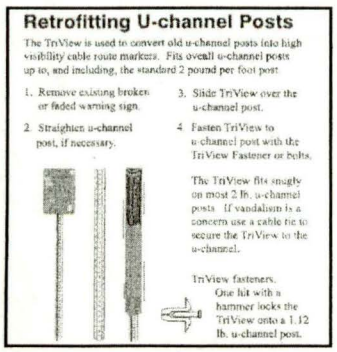
PHD-100 The Pilot Hole Driver is used in hard pan or rocky soil to create a pilot hole and to ensure posts go in straight.

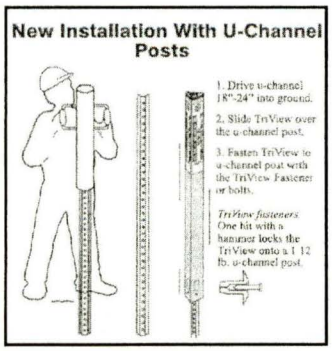
FPD-33N Flat Post Driver for 1-Rail

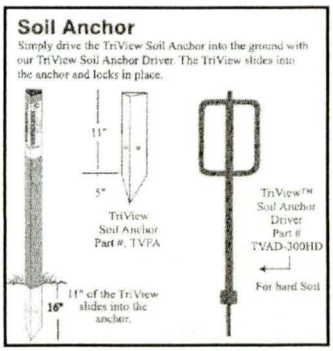
Post Installation Tools	
FPD-44	$109.00
PHD-100	$120.00
FPD-33N	$85.00



Flexible Post Installation







Pricing subject to change. Check our website or call for current pricing.

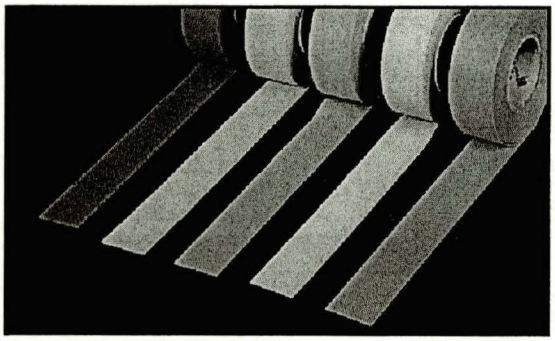
Tundra Tape

Heavy duty, superior quality
5 Mil. Tundra Tape has extra cold weather resistance to cracking. It also gives improved fade resistance to protect the color quality. All colors are fluorescent. Rolls are 1 3/16" x 150'.

Available Colors: Flo Orange, Flo Pink, Flo Lime

Part#	1-6 Boxes	7-35 Boxes	36+ Boxes
#17777	$19.80	$18.00	$16.80

Priced Per Box of 12 Rolls

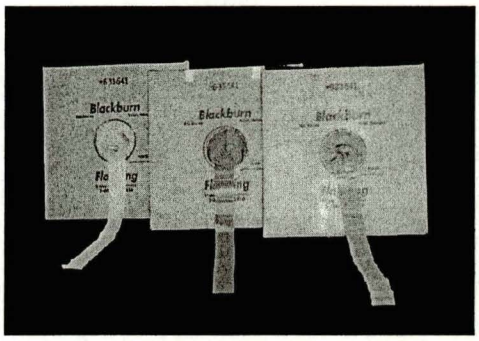


"We received the signs today and I just wanted to say they look great!! Thank you." Tiffany, Arkansas

Boxed Flagging Tape

4 Mil. Plastic · 1,000' Roll in Self-Dispensing Box · Approximately 1" wide

Incredible Value!



Part #1002

$3.90

Per Box

Standard Colors: Red, White, Yellow, Orange, Blue, Green, Brown, Silver, Purple
Fluorescent Colors: Flo Orange, Flo Pink, Flo Lime, Flo Rocket Red, Flo Green

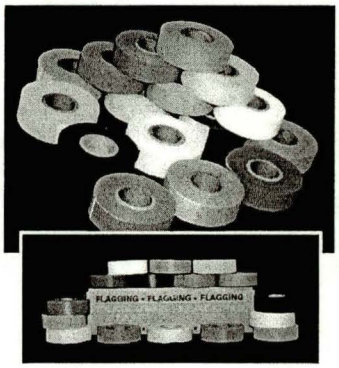
Flagging Tape

Color Saturated 3 Mil.
12 Rolls Per Box

Description	Part#	1-6 Boxes	7+ Boxes
Standard Colors	16000	$13.20	$12.72
Flo. Colors	16000	$13.20	$12.72

Priced Per Box of 12 Rolls

Standard Colors 1 1/16" x 300' rolls:		Fluorescent Colors 1 3/16" x 150' rolls:	
Red	Purple	Flo. Green	Flo. Blue
Black	White	Flo. Orange	Flo. Pink
Pink	Green	Flo. Yellow	Flo. Lime
Blue	Orange	Flo. Red	
Yellow			

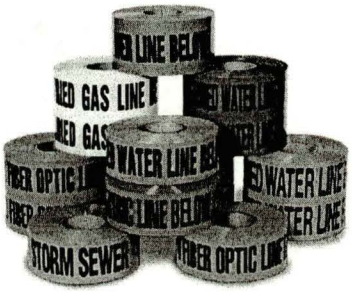


Underground Utility Warning Tape

Call for more legends and minimum order quantities.

4 Mil. Non-Detectable

1000' Rolls · 3" and 6" Widths · Bold Black Imprint Laminated with a Protective Coating to Extend Longevity of Message · Tape Matches APWA Color Code for the Utility Indicated



5 Mil. Detectable

Dense Metallic Coating Ensures Location with Even the Least Sophisticated Metal Detectors when Shallow Buried 6" to 12" · 1000' Rolls 2", 3" and 6" Widths · Bold Black Imprint Laminated with a Protective Coating to Extend Longevity of Message · Tape Matches APWA Color Code

Due to the unstable resin-based product market, underground warning tape prices may fluctuate. Call for current pricing prior to ordering.

CAUTION BURIED ____ LINE BELOW

Non-Detectable 4 Mil. — In-Stock Legend Shown In Bold

Message	Tape Color	Width	Part #	1-11 Rolls	12+ Rolls
Electric	**Red**	**3"**	**31STREL**	**$19.90**	**$18.30**
Fiber Optic	Orange	3"	31STOFO	$19.90	$18.30
Gas	**Yellow**	**3"**	**31STYG**	**$19.90**	**$18.30**
Sewer*	Green	3"	31STGS	$19.90	$18.30
Reclaimed Water*	Purple	3"	31STPRW	$19.90	$18.30
Telephone	**Orange**	**3"**	**31STOT**	**$19.90**	**$18.30**
Water	**Blue**	**3"**	**31STBW**	**$19.90**	**$18.30**

*Call for available stock and shipping times.

Detectable 4 Mil. — In-Stock Legends Shown In Bold

Message	Tape Color	Width	Part #	1-11 Rolls	12+ Rolls
Electric	**Red**	**2"**	**21TLRE**	**$32.00**	**$31.00**
Fiber Optic*	Orange	2"	21TLOFO	$32.00	$31.00
Gas*	Yellow	2"	21TLYG	$32.00	$31.00
Sewer	**Green**	**2"**	**21TLGS**	**$32.00**	**$31.00**
Telephone*	Orange	2"	21TLOT	$32.00	$31.00
Water	**Blue**	**2"**	**21TLBW**	**$32.00**	**$31.00**
Electric*	Red	3"	31TLRE	$46.40	$44.80
Fiber Optic*	Orange	3"	31TLOFO	$46.40	$44.80
Gas	**Yellow**	**3"**	**31TLYG**	**$46.40**	**$44.80**
Sewer*	Green	3"	31TLGS	$46.40	$44.80
Telephone*	Orange	3"	31TLOT	$46.40	$44.80
Water*	Blue	3"	31TLBW	$46.40	$44.80

*Call for available stock and shipping times. Prices Subject to Change.

Marking Paint

Pricing subject to change. Check our website or call for current pricing.

BLACKBURN
MARKING FLAGS & MARKING PRODUCTS

20 oz. cans with 17 oz. net wt. each

Krylon® Quik-Mark™ Inverted Marking Paints

Unleaded · APWA Approved · Cap-On Spray Mechanism
One Stroke Application · 12 Cans Per Case

Water Base Color	Part#
Flo Safety Red	3610
Flo Pink	3612
Flo Caution Blue	3620
Flo Safety Green	3630
Flo Orange	3700
Flo Purple	3715
Utility Yellow APWA	3801
Brilliant White APWA	3901
Brilliant Red APWA	3911

Solvent Color	Part#
Asphalt Black	3550
Red APWA	3611
Flo Safety Red	3613
Flo Neon Green	3614
Flo Purple	3615
Blue APWA	3621
Flo Hot Pink	3622
Green APWA	3631
Flo Red/Orange	3701
Flo Orange	3702
High Visibility Yellow APWA	3821
Utility White APWA	3900

Water Base Solvent

Per Case	1-4	5-9	10-24	25-49	50+
Water Base	$40.44	$38.88	$37.80	$36.96	$35.40
Solvent	$43.44	$41.76	$40.56	$39.24	$38.04

Free Shipping with 25+ Cases

Krylon® Marking Chalk

Unleaded · Non-Clogging Tip · 12 Cans Per Case

Free Shipping with 25+ Cases

Color	Part#
Orange AFWA	3501
Yellow AFWA	3502
Red AFWA	3503
Blue AFWA	3504
White AFWA	3505
Green AFWA	3506

20 oz. cans with 15 oz. net wt. each

Per Case	1-4	5-9	10-24	25-49	50+
All Colors	$43.44	$41.52	$39.48	$38.88	$33.84

Free Shipping with 25+ Cases

Krylon® Long Marking Wand

34" Wand with Removable Roller Wheel

Part #LW40
$19.70
Each

Krylon® Short Marking Wand

12" Wand

Part #SW41
$18.20
Each

Krylon® Long Marking Wand With Flag Holder

34" Wand with Removable Roller Wheel

Part #LW40-F
$21.60
Each

"Print and mail these. We are so satisfied with this company!! Keep up the good work!"
Mike O., Kentucky

Marking Paint

Pricing subject to change. Check our website or call for current pricing.

Athletic Field Striping Paints

Unleaded · Four Water-Base Colors · VOC Compliant · 12 Cans Per Case

Color	Part#
Athletic White	8305
Athletic Yellow	8306
Athletic Orange	8307
Athletic Flo Orange	8314

Per Case	1-4	5-9	10-24	25-49	50+
All Colors	$46.44	$44.88	$41.76	$38.64	$37.08

Free Shipping with 25+ Cases

20 oz. cans with 17 oz. net wt. each

20 oz. cans with 18 oz. net wt. each

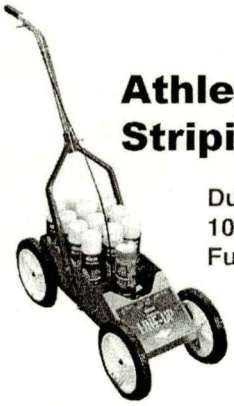
Pavement Striping Paints

30 Minute Dry Time · VOC Compliant
12 Cans Per Case · Unleaded

Color	Part#
Highway White	8300
Highway Yellow	8301
Handicap Blue	8302
Firelane Red	8303
Cover-Up Black	8304

Per Case	1-4	5-9	10-24	25-49	50+
All Colors	$53.04	$51.60	$49.08	$45.36	$43.56

Free Shipping with 25+ Cases



Athletic Field Striping Machine

Durable 18 Ga. Steel
10" Wheels · Stores a Full Case of Paint

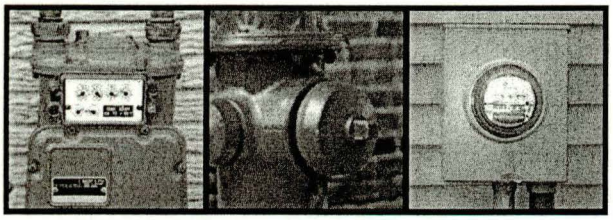
Part #8350
$88.20
Each

Pavement Striping Machine

Makes 2" to 4" Line · 7" Wheels
Durable 18 Ga. Steel
Stores a Full Case of Paint

Prices subject to change.

Part #8340
$88.20
Each



Line-Up® Striping Wand

34" Wand with Removable Roller Wheel

Part #8360
$25.10
Each

20 oz. cans with 15 oz. net wt. each

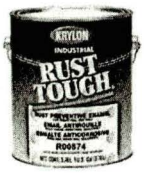
Rust Tough® Utili-Coat™ Aerosol Paint

Premium Rust Preventative Enamel · One Coat Coverage
Brilliant High Gloss Finish
State-of-the-Art Corrosion Protection · 6 Cans Per Case

Color	Part#
Utility Meter Gray	0879
Utility Meter Light Gray	0839
Fire Hydrant Red	639

	1-4	5-9	10-24
Per Case	$35.22	$33.84	$32.82

Quarts and gallons available, call for information.



12 oz. net wt. each

Krylon® Wasp and Hornet Spray

Kills Wasps, Hornets, Yellow Jackets, Flies, Mosquitoes and Moths · Will Not Harm Most Plastics · Sprays up to 15' with Flood-Type Valve · EPA Registered · 12 Cans Per Case

Part #857
$41.30
Per Case

Krylon® Insect Repellent II

Part #S00856
$40.30
Per Case

For Fight Against West Nile · Repels Mosquitoes, Chiggers, Ticks, Deer Flies, Stable Flies, Black Flies, Gnats and Fleas · Contains 23.75% DEET · EPA Registered · 12 Cans Per Case

6 oz. net wt. each

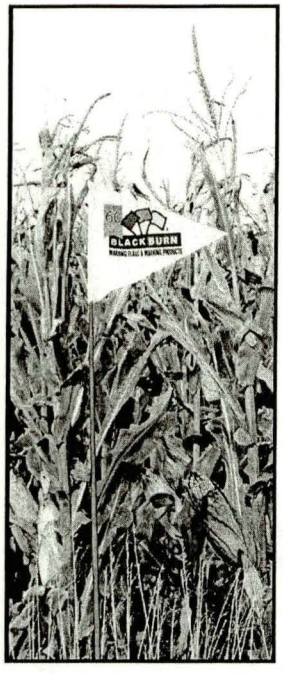
Marking Products

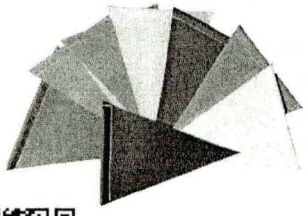
Pricing subject to change. Check our website or call for current pricing.

BLACKBURN
MARKING FLAGS & MARKING PRODUCTS

Tall Pennant Field Flag

Multiple Uses as a Field Flag or Snow Marker
Pennant shown in field is 8" x 11"
6' x ¼" Fiberglass Pole





Pennant Colors: Flo Orange, Flo Pink, Green, Red, Blue, White, Yellow, Orange
Pennant Size: 8" x 11" and 18 oz. 20 mil. (Flo Orange is 12 oz. 7 mil.)

Fiberglass Staff Colors: White, Orange
Staff Size: 6' tall x ¼" diameter

Plain Pennant				
Part #	1-49	50-99	100-499	500+
Field Flag	$4.10	$3.80	$3.40	$3.20
Printed Pennant				
Part #	100-199	200-499	500-999	1,000+
Field Flag-P	$5.20	$4.80	$4.40	$4.10

$18.00 Setup Charge

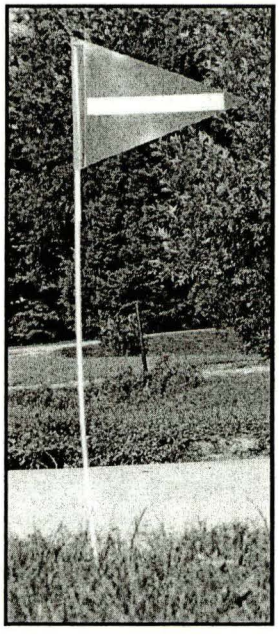
Minimum order is 5 flags. The pennant is a fluorescent orange reinforced vinyl and measures 9 inches by 11 inches. The fiberglass pole is 1/4 inch thick and is 6 foot tall. Actual freight will be approximately $8.00 higher than calculated due to package length being over 6 foot long. We will email or call with actual freight for approval before processing order. For larger quantity discount, please call 1-800-942-5816.

Reflective Pennant Field Flag

Pennant Colors: Flo Orange, Flo Pink, Green, Red, Blue, White, Yellow, Orange
Pennant Size: 8" x 11" and 18 oz. 20 mil. (Flo Orange is 12 oz. 7 mil.)

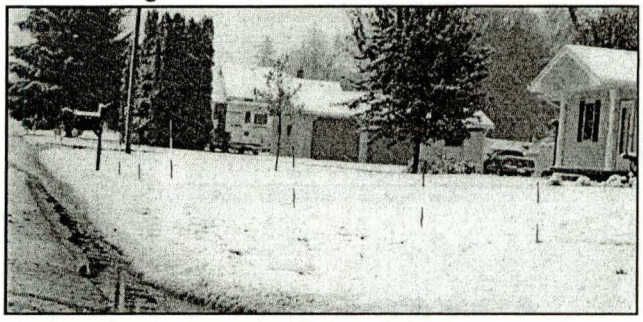
Fiberglass Staff Colors: White, Orange
Staff Size: 6' tall x ¼" diameter

Reflective Pennant				
Part #	1-49	50-99	100-499	500+
Field Flag	$7.60	$6.80	$6.20	$5.70



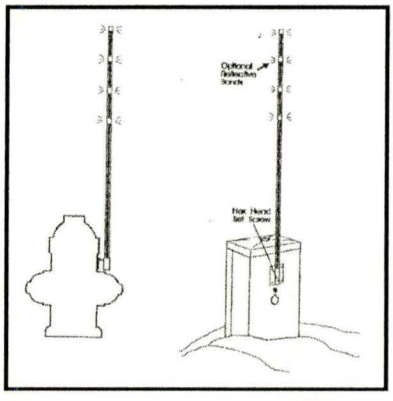
Driveway Snow Markers

Red • 4' Length 5/16" Staff

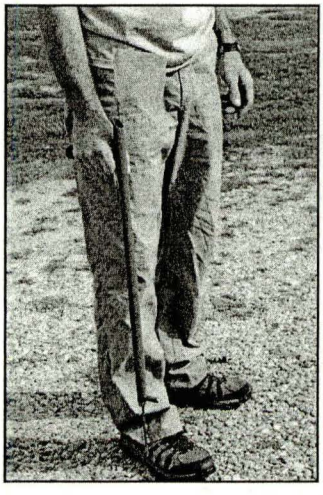


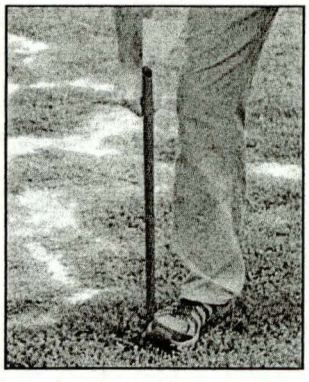
Description	Part #	1-3 Boxes	4-9 Boxes	10+ Boxes
Red Driveway Snow Markers	DWM-4-R	$50.00	$47.00	$44.50

Minimum Order Is One Box Of One Color, 25 Per Box.



We also carry
Polyshield 360 Hydrant & Pedestal Markers
*These are complete units: Bracket, set screw & rod – 20 per box
Please CALL!





$19.95 Each (1-9)

$17.50 Each (10+)

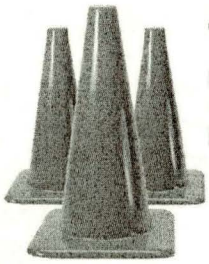
30" Carrier Probe

Holds 100 Flags, Rubberized Handle
Part #1000

Additional Carrier Probe Points **$2.40** Each
Part #CPTS

Measuring, Safety and Marking

Pricing subject to change. Check our website or call for current pricing.



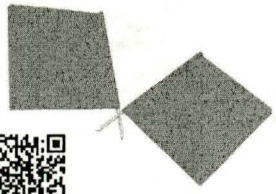
Traffic Cones

Heavy-Duty Molded PVC·Stackable · Meets NCHRP-350 Category 1 Requirements · Weighted Bases

Description	Part#	1-5 Each	6+ Each
28"	SFC28	$17.40	$16.70

Warning Flags

High Visibility Fluorescent Orange · 18" x 18" · 24" Dowel · Long Life Vinyl Blend



Description	Part#	Each
18" x 18"	SFWF1	$2.60

Manhole Cover Remover

Description	Part#	Each
Manhole Cover Remover	11753	$19.90

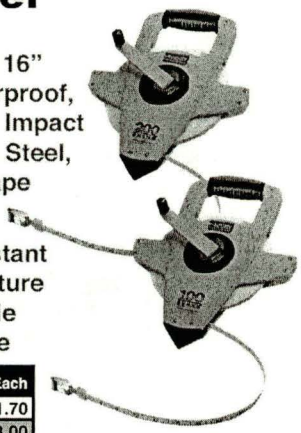
Keson Measuring Tapes - Open Reel

Fiberglass

Feet, Inches and Eighths with 16" center · Marked in Red · Waterproof, Dirt-Resistant and Washable · Impact Resistant · More Durable than Steel, More Functional than Cloth Tape

Nylon Clad Steel

Impact Resistant · Wear-Resistant Graduations · Water, Temperature and Chemical Resistant Handle Folds Flat to Prevent Breakage



Description	Part#	Each
Nylon Clad Steel 100'	NRS18100	$31.70
Nylon Clad Steel 200'	NRS18200	$53.00
Nylon Clad Steel 100' 1/10 ft. Units	NRS10100H	$31.70
Nylon Clad Steel 200' 1/10 ft. Units	NRS10200H	$53.00
Fiberglass 100'	OTRS1810100	$13.70
Fiberglass 200'	OTRS1810200	$23.20

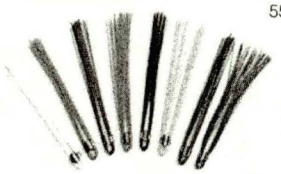
Stake Chaser® Whiskers

Bright Colored · Durable · Packaged 25 Per Bundle/40 Bundles Per Case

Colors: Red, White, Yellow, Orange, Blue, Purple, Glo Pink, Green

Description	Part#	Bundle of 25	1 Case	2-4 Cases	5+ Cases
Whiskers	15900	$2.60			
Whiskers	15901		$92.00	$85.60	$80.00
60d Nail	NLSO1		$77.90 per case		

550 nails per case

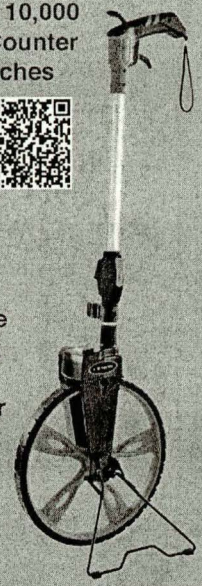


Keson Measuring Wheels

Road Runner Geared Counter

3' Wheel Circumference 10,000 Counter Limit · 5 Digit Counter Measures in Feet and Inches

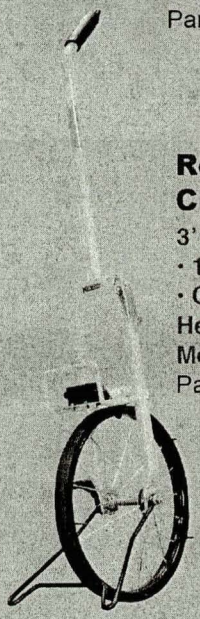
Part #RRT12



Road Runner Clicker Counter

3' Wheel Circumference · 100,000 Counter Limit · Collapses to Half It's Height · 5-Digit Counter Measures in Feet

Part #MP301



Part #RRT12

Part #MP301

Part#	1-5 Each	6+ Each
MP301	$96.14	$83.32
RRT12	$77.39	$67.07

STAKE ALL Whiskers

No Nails Needed · 6" Plastic Stakes Packaged 500 Per Box Colors Available are Pink, Yellow, Red, Orange, White, Green and Blue

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min. 500 per color

Color	Part#
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Orange	SP6OD6
Pink	SP6PD6
Purple	SP6PRD6
Red	SP6RD6
White	SP6WD6
Yellow	SP6YD6

Part #STKDRVRT
$93.75
Each

Stake Driver

Use to Install Plastic Stake Whiskers

Flag Graphics Templates

Pricing subject to change. Check our website or call for current pricing.

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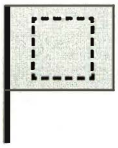
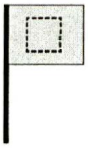


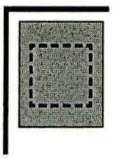
Classic Flag

Flag Size	Print Area
4" x 5"	3" x 3"
5" x 6"	4" x 4"
5" x 8"	4" x 4"



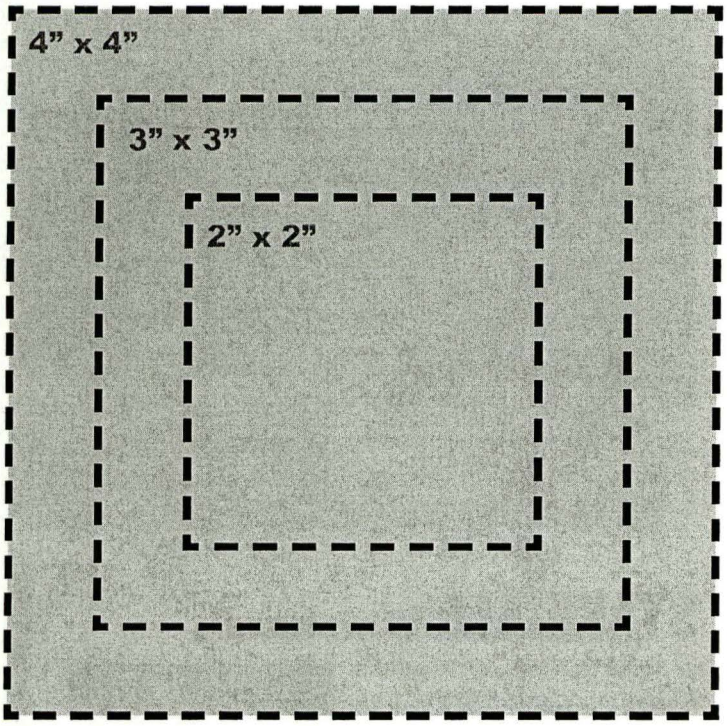
Mini Flag

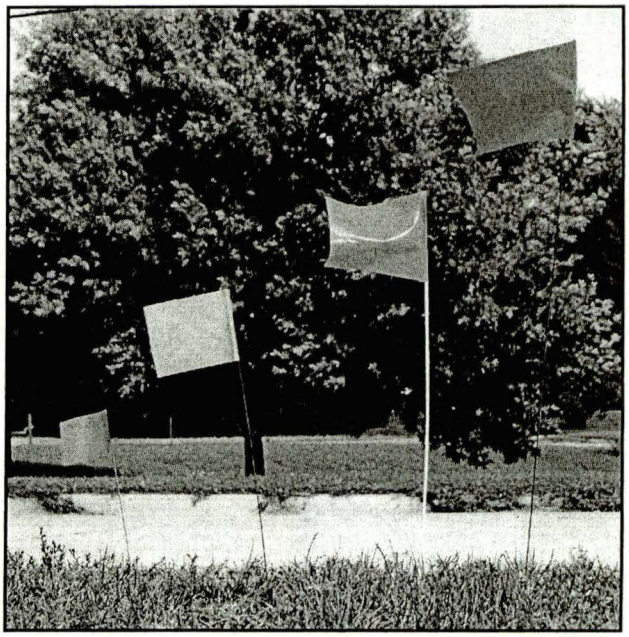
Flag Size	Print Area
2½" x 3½"	2" x 2"

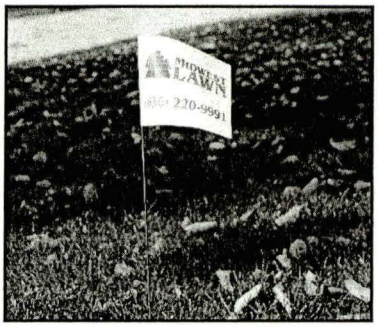


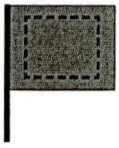
Banner-Style Flag

Flag Size	Print Area
4" x 5"	3" x 3"
5" x 6"	4" x 4"







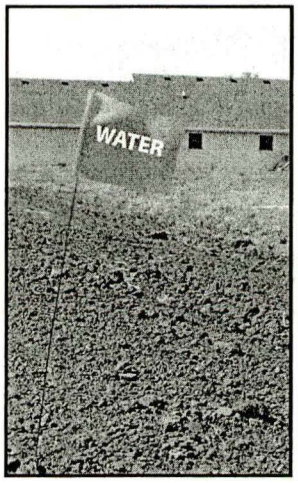


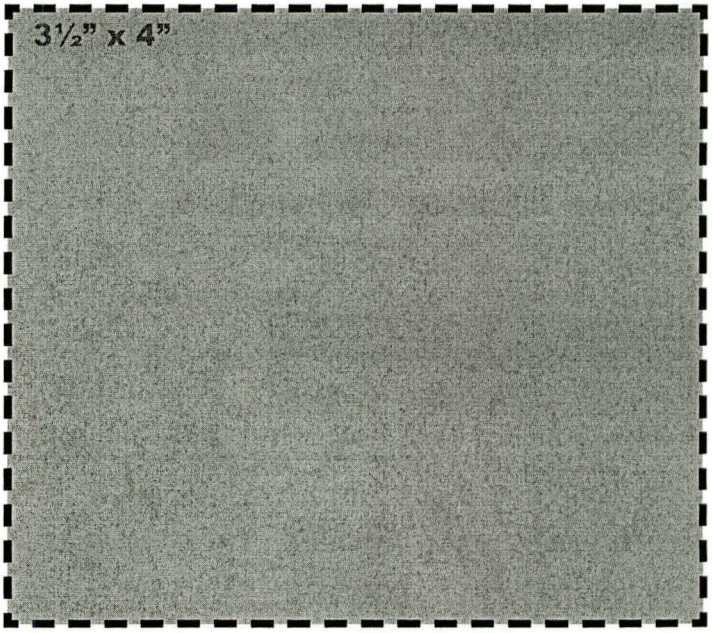
High Gloss Poly Flag

Flag Size	Print Area
4" x 5"	3½" x 4"

"Thanks for getting those out right away. You guys are fast. I will be contacting you again soon, I'm sure. Thanks again."

Travis N.





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VINYL MARKING FLAGS - BMC SIGNS - RIGID MARKERS

CHECK ONE OF THESE BOXES													
Classic Vinyl Flags	Banner-Style Flag	BMC Signs	Corrugated Rigid Markers	Quantity	Part No	Printed yes/no	Size	Staff Length	Staff Material	Flag Color	Ink Color	Standard Screen # (see pg. 8)	State Pesticide (see pg. 7)

HIGH GLOSS POLY FLAGS

CHECK ONE OF THESE BOXES												
Plain	Printed One Color	Printed Two Colors	Quantity	Part No	Printed yes/no	4" x 5"	Staff Length	Staff Material	Flag Color	Ink Color(s)	Standard Screen # (see pg. 8)	State Pesticide (see pg. 7)

OTHER PRODUCTS

Quantity	Description (if applicable)	Part No.	Color/Style

Quantity	Description (if applicable)	Part No.	Color/Style

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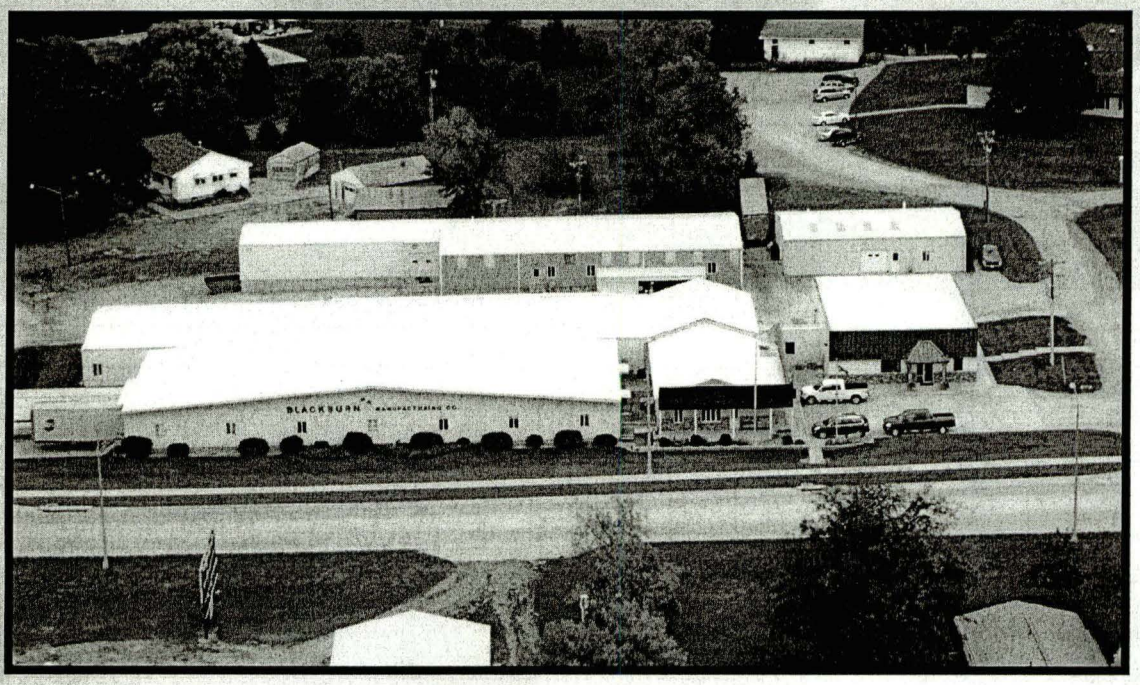

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pg 1

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For responsible development of North Dakota's resources

Troy Coons	President	Donnybrook, ND
Tom Wheeler	Vice President	Ray, ND
Bob Grant	Treasurer	Berthold, ND
Galen Peterson	Secretary	Maxbass, ND
Website	nwlandowners.com	
Contact Us	contactus@nwlandowners.com	

Representative Lefor and conference committee members,

Northwest Landowners Association is made up of families and individuals that own land in North Dakota. The majority of our members work the land but we also have members that own land here but live in numerous other states. Our 15 member board consists of farmers and ranchers from NW North Dakota and the residence of our board expands with the growth of our membership. Our membership consists of over 450 families that's main concern is producing minerals in the right way and preserving the land for the future generations.

Northwest Landowners Association is in support of SB 2374, the pin flag bill. As our membership expanded south of Lake Sakakawea we were made aware of the pieces of wire that could end up in the livestock as they are grazing or eating hay. Fence staples and or nails have commonly been the biggest culprit of hardware disease but now the deaths from pin flags are increasing

When the pin flags have been in the field long enough, the flag falls off and the wire is not readily visible while cutting hay.

If SB 2374 is passed, Northwest Landowners Association will be active in educating whom to call when the pin flags have seemingly been forgotten.

Thank You for your consideration.

Troy Coons, Chairman

Tom Wheeler Vice Chair

Testimony in support of the engrossed Senate version of SB 2347 for the Senate and House Industry, Business and Labor conference committee
April 6, 2015

Representative Lefor and conferees,

My name is Vawnita Best and I ranch southeast of Watford City in McKenzie County. I am also a member of the NWLO Association and the organizer of the Greater McKenzie County Stewardship Group (GMCSG), which organized in 2014 in response to the concerns farmers, ranchers and other surface owners in our area over the lack of surface owner rights amidst energy development.

In July of 2014, a listening session was organized in Watford City to provide focus and prioritization to these growing concerns. Repetitively, in the room of over 70 people, the issue of abandoned 'ONE CALL' pin flags was a common concern where numerous livestock producers reported losing brood cows to peritonitis (commonly knows as 'hardware disease').

Also, in discussing the ongoing issue of pushing the 'cost of doing business' in the Bakken on to western North Dakota farmers and ranchers, civic members of the community that adopt highways and clean up ditches have also reminded me that this 'litter' (the plastic portions of the pin flags) is as equally offensive as the beer cans, McDonald's bags, trucker bombs, filter socks, and all the other garbage that communities are now responsible for picking up in a place where no else will take the time to pick up after themselves. It is littering when the marking materials are left behind after the excavation is complete. Also, there is liability for farmers and ranchers who remove the marking materials when they are not the excavator (further pushing the cost of doing business on to them beyond forcing them to walk their fields to collect OTHER'S LITTER for them).

Excavators, you are the only ones that know when the 'job' is complete. Please take responsibility for yourselves and your employees. Pick up after yourselves. Have respect for the people, places and spaces of this state. Don't be litter bugs and nuisances. Instead, be good neighbors even if it is a predetermined brief relationship.

The GMCSG and the NWLO Association strongly support the engrossed Senate version of SB 2347. We recommend the House recede from its amendments and recommend a 'Do Pass' to the floor of the House of Representatives of the Senate version of the bill.

I thank you for the opportunity to stand before you today.

Respectfully,

Vawnita Best (701) 580.8162 vawnitabest@gmail.com

#1 pg 3

USND
Utility Shareholders of North Dakota
800-981-5132 www.usnd.org

SB 2347 Conference Committee Testimony/Statement
Carlee McLeod, President

Chairman Keiser, Representatives Amerman, Kasper, and Lefor:

Thank you for the opportunity to provide a statement regarding SB 2347. My organization supports the bill as passed by the Senate prior to the House amendments.

We recognize the concern of landowners, specifically ranchers, that metal flags left in grazing land cause damage to cattle when cut into feed. We believe the Senate version best addresses the concern while maintaining safety for those operating around underground facilities. No other material has been found to be as sturdy and durable as metal for use in flags. The industry continues to monitor marking technology, but none of the plastic markers on the market can stand up to the elements in ND weather. They often shatter when being placed into the ground, or after upon contact. Strengthening the language regarding the requirement of flag removal is the best, safest way to avoid the landowner concerns at this time. We were part of the group who worked together to amend the language of the original bill into the version the Senate passed, and we support that language.

Please recede from your amendments and pass SB 2347.

Thank you,
Carlee McLeod

#1 pg 4

ONEOK

Written Testimony Provided To:
Senate and House Industry Business & Labor Conference Committee
By Danette Welsh
Manager, ONEOK Government Relations
April 3, 2015

Regarding: Senate Bill No. 2347

Senate and House IBL Committee Conferees,

Thank you for the opportunity to provide written comment on Senate Bill 2347.

As the state's largest natural gas midstream company with over 6000 miles of pipeline in western North Dakota, we are both an operator and an excavator within the North Dakota One Call system.

Based on our experience with marking and excavating, we have concerns with the amendment adopted and passed by the House, requiring non-metallic markers be used on agricultural property. Essentially, this leaves plastic flags as the only available marker in areas where paint and chalk are not feasible. Unfortunately, it has been our experience that plastic does not weather well and is not a reliable means for ensuring the proper marking and protection of our facilities and the safety of our excavators.

We understand the concern from livestock producers about peritonitis and appreciate the efforts to decrease impacts by changing the materials used to mark facilities. However, the issue at hand is not what material is used, but the fact that the markers are not being removed upon the completion of excavation. Having grown up in the cattle industry I know firsthand the damage metal can cause in the digestive system of an animal. However, I also know plastic is not a desirable ingestion material and, over time, can cause blockage, bloating and ultimately death, as well. The only real answer to the issue is to require the removal of the flags.

ONEOK respectfully asks the House recede from its amendment and adopt the engrossed version of SB 2347 (15.0999.02000), which was passed by the Senate. This version not only provides clarification of what is considered a tangible marking material, but also that tangible marking materials are required to be removed upon completion of excavation.

Please let me know if I can provide any additional information for your consideration.

Danette Welsh
Manager, Government Relations
ONEOK, Inc.
(701) 471-9490
dwelsh@oneok.com

#1 pg 5

Lefor, Mike

From: Aas, Kathleen A <kathleen.a.aas@xcelenergy.com>
Sent: Friday, April 03, 2015 9:31 AM
To: Lefor, Mike
Subject: RE: SB 2347
Attachments: SB2347 One Call Markings`SenateAmend.pdf

Representative Lefor:

Xcel Energy supports the Senate version of SB 2347. When Xcel Energy is the excavator on a project, we remove the flags at completion of the excavation.

Thank you.

Respectfully,

Kathy Aas
Xcel Energy | Responsible By Nature
Community Relations Manager
P O Box 788, Minot, ND 58702-0788
P: 701.420.1442 C: 701.240.3161 F: 701.420.1481
E: kathleen.a.aas@xcelenergy.com

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From: Lefor, Mike [mailto:mlefor@nd.gov]
Sent: Thursday, April 02, 2015 4:21 PM
To: carlee@usnd.org
Cc: danette.welsh@oneok.com; Aas, Kathleen A; wheelert@nccray.com
Subject: SB 2347

As I stated to you, I will need testimony from each of you stating you are OK with the Senate version of SB 2347. Our next conference committee on this topic will be on Monday at 9:30 am in the same room. I will need your written testimony by Saturday. You can e-mail it to me at mlefor@nd.gov.

In addition, Tom, I will need testimony from Vawnita Best as she pr ovided testimony in committee. We need to know she supports this as well. Finally, Tom, please give the name of your organization and how many landowners you represent. If anyone has any questions, contact me on my cell phone at 701-290-0539. Happy Easter!

Rep. Mike Lefor
Industry Business and Labor Committee
Energy and Natural Resources Committee
"Proudly serving District 37."