The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Elizabeth O'Quin.

## DIGEST

SB 169 Engrossed

## 2021 Regular Session

Allain

<u>Present law</u> provides relative to the La. Underground Utilities and Facilities Damage Prevention Law.

<u>Present law</u> provides that except as provided by law, no person shall excavate or demolish in any street, highway, public place, or servitude of any operator, or near the location of an underground facility or utility, or on the premises of a customer served by an underground facility or utility without having first ascertained, as provided by law, the specific location of all underground facilities or utilities in the area that would be affected by the proposed excavation or demolition.

<u>Present law</u> provides that prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or centers serving the area in which the proposed excavation or demolition is to take place.

<u>Present law</u> defines "excavation" or "excavate" to mean any operation causing movement or removal of earth, rock, or other materials in or on the ground or submerged in a marine environment that could reasonably result in damage to underground or submerged utilities or facilities by the use of powered or mechanical or manual means, including but not limited to pile driving, digging, blasting, augering, boring, back filling, dredging, compaction, plowing-in, trenching, ditching, tunneling, land-leveling, grading, and mechanical probing. "excavation" or "excavate" shall not include manual probing or any force majeure, act of God, or act of nature.

<u>Proposed law</u> adds normal commercial farming operations as an exception to the definition of "excavation" or "excavate" and changes the definition of "excavation" or "excavate" with regards to an exception <u>from</u> any force majeure, act of God or act of nature <u>to</u> any activity resulting from force majeure related occurrences, including but not limited to an act of God or an act of nature.

<u>Proposed law</u> defines "normal commercial farming operations" as the following operations or activities for agriculture cultivation purposes:

- (1) Operations or activities that do not encroach upon a private utility or pipeline servitude, public right-of-way, or public franchise area.
- (2) Operations or activities that do encroach upon a private utility or pipeline servitude and the depth of the excavation is less than 12 inches in the soil below the existing surface grade.

Effective August 1, 2021.

(Amends R.S. 40:1749.12(7) and (12)-(18); adds R.S. 40:1749.12(19))

## Summary of Amendments Adopted by Senate

<u>Committee Amendments Proposed by Senate Committee on Commerce, Consumer</u> <u>Protection, and International Affairs to the original bill</u>

- 1. Makes technical changes.
- 2. Changes the term "normal farming operations" to "normal commercial farming operations".
- 3. Specifies in the definition of "normal commercial farming operations" that the depth of the excavation is less than 12 inches in the soil below the existing surface grade.