

2016 Regular Session

SENATE BILL NO. 119

BY SENATOR MARTINY

UTILITIES. Provides relative to the administration and regulation of underground utilities and facilities. (gov sig)

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AN ACT

To amend and reenact the introductory paragraph of R.S. 40:1749.12 and (6) and 1749.13(B)(1) and (4), relative to the administration and regulation of underground utilities and facilities; to provide relative to the definition of excavate; to enumerate certain holidays; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 40:1749.12 and (6) and 1749.13(B)(1) and (4) are hereby amended and reenacted to read as follows:

§1749.12. Definitions

As used in this Part, the following terms shall have the meanings ascribed to them in this Section:

\* \* \*

(6) "Excavation" or "excavate" means any operation ~~for the purpose of~~ **causing** movement or removal of earth, rock, or other materials in or on the ground **or submerged in a marine environment** by the use of powered or mechanical or manual means, including **but not limited to** pile driving, digging, blasting, auguring, boring, back filling, dredging, ~~compressing~~ **compaction**, plowing-in, trenching,

1 ditching, tunneling, land-leveling, grading, and mechanical probing, or any other  
2 activity that could reasonably result in damage to underground or submerged  
3 utilities or facilities. "Excavation" or "excavate" shall not include manual probing.

4 \* \* \*

5 §1749.13. Excavation and demolition; prohibitions

6 \* \* \*

7 B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or  
8 demolition, each excavator or demolisher shall serve telephonic or electronic notice  
9 of the intent to excavate or demolish to the regional notification center or centers  
10 serving the area in which the proposed excavation or demolition is to take place.  
11 Such notice shall be given to the notification center at least forty-eight hours, but not  
12 more than one hundred twenty hours, excluding weekends and holidays, in advance  
13 of the commencement of any excavation or demolition activity. Holidays shall  
14 consist of the following: New Year's Day; Good Friday; **Memorial Day;**  
15 Independence Day; Labor Day; Thanksgiving Day; **Christmas Eve;** and Christmas  
16 Day, or the days on which those holidays are observed by the state.

17 \* \* \*

18 (4) Notice shall be given and shall include a specific location request for  
19 excavation or demolition work to be performed at least forty-eight hours, but not  
20 more than one hundred twenty hours, excluding weekends and holidays, in advance  
21 of actual work commencement. Holidays shall consist of the following: New Year's  
22 Day; Good Friday; **Memorial Day;** Independence Day; Labor Day; Thanksgiving  
23 Day; **Christmas Eve;** and Christmas Day, or the days on which those holidays are  
24 observed by the state. The marking of an operator's facility or utility shall be  
25 provided for excavation or demolition purposes only.

26 \* \* \*

27 Section 2. This Act shall become effective upon signature by the governor or, if not  
28 signed by the governor, upon expiration of the time for bills to become law without signature  
29 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If

1 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
2 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Linda Nugent.

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## DIGEST

SB 119 Original

2016 Regular Session

Martiny

Present law defines "excavation" or "excavate" changes "operation for the purpose of" to "operation causing". Further provides for additional circumstances to be included in the definition and makes the illustrative list of examples nonexclusive.

With regard to advance notification to a regional center prior to any excavation or demolition, present law enumerates certain holidays observed by regional notification centers that affect the calculation of the timely advance notification. Proposed law adds Memorial Day and Christmas Eve to the list of holidays.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 40:1749.12(intro para) and (6) and 1749.13(B)(1) and (4))