

SENATE BILL NO. 82

BY SENATOR LAMBERT AND REPRESENTATIVE BISHOP

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22, relative to underground utilities and facilities; to provide for powers and duties of the commissioner of conservation; to provide for time extensions for certain work to be performed; to provide relative to preemption; to provide for certain procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.13(B)(5), 1749.14(C)(1)(b)(iii) and (3), and 1749.22 are hereby amended and reenacted to read as follows:

§1749.13. Excavation and demolition; prohibitions

\* \* \*

B. \* \* \*

(5) The excavator or demolisher shall wait at least forty-eight hours, beginning at 7:00 a.m. on the next working day, following notification, unless mutually agreed upon and documented by the excavator and operator to extend such time, before commencing any excavation or demolition activity, except in the case of an emergency as defined in the provisions of this Part or if informed by the regional notification center that no operators are to be notified. **However, if no agreement for an extension of time can be reached between the excavator and the operator and the excavation or demolition activity could impact a pipeline**

1 located on or in water, upon request by the operator, the commissioner may  
 2 delay the mark-by time prior to the commencement of any excavation or  
 3 demolition activity in order to allow for the accurate marking of such pipeline.

4 \* \* \*

5 §1749.14. Regional notification center

6 \* \* \*

7 C.(1) Each operator of an underground facility or utility, after having  
 8 received the notification request from the regional notification center of an intent to  
 9 excavate, shall supply, prior to the proposed excavation, the following information  
 10 to the person responsible for the excavation:

11 \* \* \*

12 (b) \* \* \*

13 (iii) When the utility or facility operator has marked the location of  
 14 underground facilities or utilities, the marking shall be deemed good as long as  
 15 visible but not longer than twenty calendar days, including weekends and holidays,  
 16 from the "~~mark-by~~" mark-by time. **However, if the proposed excavation or**  
 17 **demolition activity could impact a pipeline located on or in water, the**  
 18 **commissioner may extend the time period allowed for completion of the**  
 19 **excavation or demolition.** An additional notice to the regional notification center  
 20 shall be given by the excavator or demolisher in accordance with the provisions of  
 21 this Part when the marks are no longer visible or if the excavation or demolition  
 22 cannot be completed within twenty calendar days from the "~~mark-by~~" mark-by time,  
 23 whichever occurs first.

24 \* \* \*

25 (3) In the event of inclement weather as defined in this Part, the ~~mark-by~~  
 26 mark-by time shall be extended by a duration equal to the duration of the inclement  
 27 weather. The owner or operator shall notify the excavator or demolisher before the  
 28 expiration of the ~~mark-by~~ mark-by time of the need for such extension.

29 \* \* \*

30 §1749.22. Preemption

1                   No **Except as provided in this Part, no** parish, municipal, local, or state  
2 governing authority may enact any ordinance or promulgate any rules or regulations  
3 which are in conflict with the provisions of this Part.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_