

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington St., Suite 301
Indianapolis, IN 46204
(317) 233-0696
iga.in.gov

FISCAL IMPACT STATEMENT

LS 6784
BILL NUMBER: HB 1122

NOTE PREPARED: Jan 23, 2024
BILL AMENDED: Jan 23, 2024

SUBJECT: Underground Facility Protection.

FIRST AUTHOR: Rep. DeVon
FIRST SPONSOR:

BILL STATUS: CR Adopted - 1st House

FUNDS AFFECTED: **GENERAL**
 DEDICATED
 FEDERAL

IMPACT: Local

Summary of Legislation: (Amended) This bill has the following provisions:

It amends the law governing demolitions and excavations in the area of underground facilities as follows:

- (1) It provides that for purposes of required notifications regarding excavation or demolition:
 - (A) the time of receipt of a notice is the time as observed in Indianapolis ("prevailing time"); and
 - (B) a "working day" is the period of time beginning at 7 a.m. and ending at 6 p.m. prevailing time.
- (2) It defines the "tolerance zone" of a physical plant for purposes of the clearance that must be maintained between the physical plant and an excavation or demolition.
- (3) It provides that the route or boundary of a proposed excavation or demolition may be marked by electronic means approved by the Indiana Underground Plant Protection Service (association).
- (4) It requires documentation of required actions through submission of electronic positive responses to the association.
- (5) It provides that:
 - (A) notice of intent to conduct an excavation or demolition must be received by the association not more than 10 calendar days (rather than 20 calendar days, under current law) before the commencement of the work; and
 - (B) a notice is considered received by the association at the prevailing time the association receives the notice from the person responsible for the excavation or demolition.
- (6) It provides that a notice of intent to conduct an excavation or demolition may specify a starting date and time of the excavation or demolition, which may not be later than 10 days after the time of the association's receipt of the notice, and that required notifications, communication, and marking with regard to the excavation or demolition must be completed not later than:
 - (A) the starting date and time specified in the notice, if the notice specifies a starting date and time;

or

(B) 7 a.m. prevailing time on the next working day that follows the elapse of two full working days after the association's receipt of the notice; whichever is later.

(7) It provides that a notice of intent to conduct an excavation or demolition expires at 11:59 p.m. prevailing time 20 days after the date the notice is submitted to the association.

(8) It requires that the association develop and implement guidelines to provide notice to an operator regarding the association's receipt of a notice of intent of:

(A) an excavation or demolition; or

(B) preliminary engineering studies or construction planning activities; at the prevailing time the association receives the notice of intent.

(9) It requires a person responsible for an emergency excavation or demolition to provide notice to the association in the manner prescribed by the association. (Under current law, notice of an emergency excavation or demolition must be provided orally.)

It also makes technical corrections.

Effective Date: January 1, 2025.

Explanation of State Expenditures:

Explanation of State Revenues:

Explanation of Local Expenditures: This bill could increase workload and expenditures for municipal utilities as operators of underground and aboveground facilities.

Explanation of Local Revenues:

State Agencies Affected:

Local Agencies Affected: Municipal utilities.

Information Sources:

Fiscal Analyst: Corrin Harvey, 317-234-9438.