

MINUTES OF THE HOUSE COMMITTEE ON LOCAL GOVERNMENT

The meeting was called to order by Chairperson Kay O'Connor at 3:30 p.m. on January 20, 2000 in Room 521-S of the State Capitol.

All members were present except: Rep. Carlos Mayans, excused
Rep. Cindy Hermes, excused
Rep. Ethel Peterson, excused
Rep. Peggy Palmer, excused
Rep. Joe Shriver, excused
Rep. John Toplikar, excused

Committee staff present: Michael Heim, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor of Statutes
Lisa Montgomery, Office of the Revisor of Statutes
Lois Hedrick, Committee Secretary

Conferees appearing before the committee:
Christine Clarke, Legislative Division of Post Audit
Leo Haynos, Kansas Corporation Commission's Office
of Pipeline Safety

Others attending: See Guest List ([Attachment 1](#))

The meeting was called to order by Chair, who introduced Christine Clarke, Auditor, Legislative Division of Post Audit.

Ms. Clarke briefly described the state's underground utility damage prevention act (K.S.A. 66-1801); current organizational makeup, administration, and enforcement activities; the centralized notification center located in Wichita and its process for the statewide one-call system; and legislative concerns raised about the Kansas Corporation Commission's responsibilities and the law's provisions that may limit the systems effectiveness. (See [Attachment 2](#).) The division's report, entitled "*Reviewing the One-Call System in Kansas*," may be obtained through the Legislative Division of Post-Audit.

Representative Horst asked if large utilities pay a membership fee for all of their offices or only a single \$25 fee for each entity. Ms. Clarke did not know so was asked to determine the answer and advise Representative Mayans' office as early as practicable.

Leo Haynos, Chief of KCC's Office of Pipeline Safety, indicated KCC is responsible for the administration and enforcement of the law. There is an average of 41,000 calls each month to the Wichita center, which in turn are reported to the involved utilities and from which five additional calls are generated to cause the marking of lines. He noted that when Overland Park became a member, it was overwhelmed with 40-50 calls per day, each at a cost of \$1.14. The city decided to stop its membership. They have not experienced an increase in the number of damages to utility lines since it quit the system. Wichita does not belong. He was asked if municipalities should be required to be members of the system. Mr. Haynos' answer was "yes." He was asked if it would be of help to legislate "depth layers" for each of the utilities, and he answered "it would be of great help to the call center."

The Chair thanked the conferees for their presentations. She then asked the committee if there were any bills to be considered for introduction. Representative Dahl recommended the committee sponsor a bill to amend K.S.A. 1999 Supp. 65-3407 (regarding construction and operation of a regional solid waste processing facility or disposal area) to require that the county's qualified electors approve it prior to the filing for a permit to construct or operate such a site. There being no objection, the bill was approved for introduction.

The meeting adjourned at 4:10 p.m.

The next meeting is scheduled for January 25, 2000.

**HOUSE COMMITTEE ON LOCAL GOVERNMENT
GUEST LIST
JANUARY 20, 2000**

[PLEASE PRINT]

| NAME | REPRESENTING |
|--------------|--------------|
| LEO HAYNOS | KCC |
| Chris Clarke | LPA |
| Mark Goodwin | Hein & Weir |
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Presentation to the House Local Government Committee

January 20, 2000

Legislative Post Audit Report: Reviewing the One-Call System in Kansas

Question 1: Is the Corporation Commission Doing an Adequate Job of Carrying Out Its Responsibilities Under the Kansas Underground Utility Damage Prevention Act?

The law imposes certain requirements on excavators and utility companies, and also has built-in incentives to encourage them to comply with the law. The law imposes about five basic requirements on excavators and utility companies, such as who must belong, timeframes for marking underground lines, and who should be contacted in case of an emergency. The law also sets out who is liable for damages in situations where lines were cut because one or the other party didn't do what was required.

Like most other states we contacted, the Corporation Commission has adopted an enforcement approach where it responds mainly to complaints. Neither the Commission nor any of the other states in our region dedicate many, if any, personnel to administration or enforcement of one-call. In fact, the Commission doesn't have any staff dedicated fully to the program.

In Kansas, administration of the program consists mainly of reviewing monthly reports from the One-Call Center, and receiving and investigating complaints. The Commission doesn't require routine reporting of any information.

The Commission doesn't receive or maintain the information it would need to identify and address problems that occur with the one-call system. The Commission has made attempts to gather information detailing system problems, mainly through questionnaires for utilities that are members of the one-call system. These surveys indicate that lines are damaged in a relatively small percentage of cases— about 0.5%. The

One-Call Center will be implementing a new performance measurement system by the end of the year.

The Commission doesn't keep records on all the complaints it receives or the actions taken to resolve those complaints. It's important for the Commission to keep a complete record of all complaints so it can document the actions taken, and determine whether they are receiving multiple complaints about the same party. However, most complaints we reviewed that had documentation seemed to be resolved appropriately.

The Commission takes actions to get utilities to belong when it hears of non-members, but doesn't routinely do anything to ensure that all utilities belong. We did test work to determine if all utilities that are required to belong actually do. We found two that weren't. The One-Call center has about 500 members.

Most utilities and excavators we surveyed felt the amount of regulation by the Commission was about right.

The law creating the one-call system appears to have provisions that could limit the system's effectiveness. Kansas is in the minority of states that allow an excavator to go ahead and dig if the lines aren't marked by the dig date. An official in another state described Kansas' law in this area as dangerous. Also, excavators, utilities, and One-Call Center officials expressed concerns that Kansas law allows too many exemptions from one-call.

On pages 16 and 17 we offer several recommendations for improving the One-Call system. These include continuing the annual

survey of one-call members to gather damage information, and making sure that the Commission makes a complete record of all complaints and enforcement actions. The Legislature also will need to consider whether Kansas law should be changed to improve the system's effectiveness.

Question 2: Are Utility Locators Adequately Trained and Supervised, and Are They Doing Their Jobs Effectively?

Neither the Commission nor the federal Office of Pipeline Safety have specified training requirements, so training of locators varies from utility to utility. Some companies provide more formalized training to employees who mark underground lines, while others simply allow employees to learn on the job. Regulatory agencies in at least three states offer some type of training to locators. As mentioned before, relatively few lines get cut into in Kansas, which may be an indication that locators are accurate.