

Approved: March 14, 2000 *Carl D. Holmes*
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:08 a.m. on February 22, 2000 in Room 231-N of the Capitol.

All members were present.

Committee staff present: Lynne Holt, Legislative Research Department
Mary Torrence, Revisor of Statutes
Jo Cook, Committee Secretary

Conferees appearing before the committee: Secretary Dean Carlson, Kansas Dept of Transportation
Ron Appletoft, Johnson County Water District #1
Kim Gulley, League of Kansas Municipalities

Others attending: See Attached Guest List

HB 2983 - Underground utilities; application of damage prevention act; remedies for violation.

Chairman Holmes welcomed Kansas Department of Transportation (KDOT) Secretary E. Dean Carlson, who presented testimony in opposition to **HB 2983 (Attachment 1)**. Secretary Carlson stated the bill appeared to include KDOT with other operators who have underground facilities and would require KDOT to locate, compile and map all of its underground facilities. Secretary Carlson stated the Department's permit process covers the need of entry on Department property.

Mr. Ron Appletoft, on behalf of Water District No. 1 of Johnson County, testified in opposition to **HB 2983 (Attachment 2)**. Mr. Appletoft stated that mandating water utilities to become members of the One Call System would be costly for the Water District. He explained that several years ago, the Water District had voluntarily joined the System and their locate calls increased from 25 per day to nearly 500 calls per day.

Kim Gulley, Director of Policy Development for the League of Kansas Municipalities, provided information on the definition of a facility (Attachment 3) by stating that water and sewer lines were not included in the definition of a facility and the cities would not be required to join because of this definition.

Written testimony was provided by Elmer Ronnebaum, General Manager of the Kansas Rural Water Association (Attachment 4).

There were no questions from the committee.

Rep. Sloan presented a conceptual House Resolution on the One-Call System.

Chairman Holmes announced that the committee would be working **SB 54 - Tenant access to television service** the following day.

Rep. Alldritt announced that the Legislative Post Audit Committee would meeting the next day to discuss audit topics.

Meeting adjourned at 9:50 a.m.

Next meeting will be Tuesday, February 23, 2000 at 9:00 a.m.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 22, 2000

NAME	REPRESENTING
BRUCE GRAHAM	KEPCO
LEO HAYNOS	KCC
LARRY ETHRIDGE	SLDBELL
Dick Rohlf	Western Resources
JESSIE SPIKES	CENTRAL WEATING SERVICES, LTD.
Dave Holtman	W.R.
Tom Shimon	Kansas One Call
Ron APPLETOFT	Water Dist. No 1 of Jo. Co.
Kelley Kuitala	City of Overland Park
JC Long	Uteli Corp Limited
ED SCHAUB	WESTERN RESOURCES
Terry Knight	Overland Trenching Co
Steve Preister	Great Plains Locating Service
WAYNE BABCOCK	GREAT PLAINS LOCATING SERVICE
Dave Spears	Kansas Gas Service
DOUG KENYON	GREAT PLAINS LOCATING SER.
Bill Haislip	KCC
Susan Cunningham	KCC
Larry Hollaway	KCC
Kevin Barone	Hein/Weir Chrt'd.

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NAME	REPRESENTING
Steve Johnson	Kansas Gas Service
Jon Miles	KEC
Cynthia Smith	KCPL
Dane Holthaus	W.R.
See Dean Carlson	KDOT
Joe Duck	BPU KCK

STATE OF KANSAS



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E. Dean Carlson
Secretary of Transportation

Bill Graves
Governor

**TESTIMONY BEFORE
HOUSE UTILITIES COMMITTEE**

**REGARDING HOUSE BILL 2983
RELATING TO UNDERGROUND UTILITIES; APPLICATION
OF DAMAGE PREVENTION ACT; AND REMEDIES
FOR VIOLATION**

February 22, 2000

Mr. Chairman and Committee Members:

I am Dean Carlson, Secretary of the Kansas Department of Transportation. I appreciate the opportunity to appear before you today to express my concerns and objections regarding House Bill 2983. House Bill 2983 would provide for penalties to violators of the Kansas Underground Damage Prevention Act. The bill also provides that the State or any subdivision or instrumentality of the State which has an underground facility shall become a member of the notification center and must register their facilities with Dig Safe.

Currently, the Kansas Department of Transportation operates under the assumption that it is exempt from all requirements to register its underground facilities based on an opinion of exemption offered by the Kansas Corporation Commission in a letter to the Department dated March 29, 1994. The Department's underground facilities generally consist of electric lines for traffic signals and highway lighting and for utility lines to service rest areas. All of these facilities are located within existing right of way, i.e. located underground on Kansas Department of Transportation property. Any digging on Kansas Department of Transportation property by an outside entity can only be done through the Department's permit process, which has been more than adequate to date to prevent any significant accidents or inadvertent severance of buried utilities.

House Bill 2983 now appears to include the Department with other operators which have underground facilities requiring the Department to become a member of the notification center. The bill would now also require the Department to locate, compile, and map all of its underground utilities for inclusion in the statewide mapping systems and would also require the Department to do physical locates upon request.

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ATTACHMENT |

For various reasons of safety, the Department's permit process will continue to be necessary to cover all instances of required entry on Department property. The procedures required in the proposed bill will therefore simply be an overlay to the existing permit process and is not anticipated to provide any further security for the Department's underground utilities.

Therefore, the costs and resources that are required for the Department to comply with HB 2983 are considered duplicative and unnecessary. Although an exact annual cost cannot be determined, the Department must oppose the unnecessary expenditure of any Highway Fund resources. This is of even greater concern in view of the current delicate balance of the Comprehensive Transportation Program projections.

WATER DISTRICT No. 1 OF JOHNSON COUNTY



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Testimony Presented on Behalf of WATER DISTRICT NO. 1 OF JOHNSON COUNTY Regarding House Bill 2983

Presented at the
House Committee On Utilities
On February 22, 2000
By Ron Appletoft

Water District No. 1 is a political subdivision organized as a regional water utility under K.S.A. 19-3501 et seq. to serve the suburban region in and around Johnson County. It is governed by a seven (7) member elected Board and operates as a quasi-municipal corporation. We currently serve over 330,000 consumers.

House Bill 2983 would amend the Kansas underground utility damage prevention act. Historically water utilities have been exempt from the "one-call" act. This bill contains ambiguous language as it relates to water utilities. In section 1 (e), water delivery systems are not described as a "facility". However, section 1(i) describes "operator" as someone furnishing water. The Water District is opposed to any provisions in this bill that would change the exemption in the current statute. The current exemption exists, in part, because underground water facilities do not present the same health and safety issues posed by other underground utilities.

The Water District currently has a line locate system in place that is working well. We are not aware of any justifications to change our system. The Water District voluntarily joined the "one-call" system several years ago and was forced to withdraw several months later. After joining the "one-call" system, the number of line locates increased from approximately 25 call per day to approximately 500 calls per day. The "one-call" system requires participants to respond to every call. As many as 85 - 90% of the calls requesting line locates involved situations where we knew that a water main would not be located, such as side or back yards of residences. The large majority of our water mains are located in the public right-of-way and are buried at a depth of 42". We requested assistance from the "one-call" provider to establish a better screening process for water utilities but they declined to modify their procedures.

Legislation to would mandate water utilities to become members of a "one-call" system would be very costly for the Water District. It is estimated that we would need to add 6 new employees and four vehicles to respond to the increased number of calls. In addition, there is an ongoing fee due to the "one-call" program for each call dispatched. Based on past experience with a "one-call" system we believe legislation mandating water utilities to use a "one-call" system would cost our ratepayers in excess of \$500,000 per year.

Water District No. 1 of Johnson County is therefore opposed to any changes to the existing "one-call" statutes that would include water utilities.

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League of Kansas Municipalities

300 SW 8th Avenue
Topeka, Kansas 66603-3912
Phone: (785) 354-9565
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To: House Utilities Committee
From: Kim Gulley, Director of Policy Development
Date: February 22, 2000
Re: HB 2983

During the discussion of HB 2983 yesterday, some questions were posed concerning the participation of cities in the one-call notification center as required by K.S.A. 66-1801 *et seq.* It is our understanding that under current law, cities that operate gas and electric systems would be required to join the notification center. Water and sewer lines are not included in the definition of a facility, and therefore, cities would not be required to join for that purpose.

It appears that a number of questions have been raised about the one-call system in general, including time frames, participation in the one-call center, and which underground facilities should be included. Cities are very concerned about the public safety implications of one-call and believe that a study of these key issues would be appropriate.

As always, we stand ready to provide any information or assistance that we can as you discuss this matter.



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COMMENTS ON HOUSE BILL No. 2983
BEFORE THE HOUSE COMMITTEE ON UTILITIES
February 22, 2000

Mr. Chairman and Members of the Committee:

The Kansas Rural Water Association respectfully wishes to record its opposition to HB 2983.

First, the bill is difficult to understand. We believe the bill requires that public water utilities be required to become members of Kansas One Call.

Kansas Rural Water Association is aware of rural water districts and small cities which are members of One Call and similarly, the Association is aware of many utilities which are not members of the single notification center. Several of the larger rural water districts have expressed a desire to not be members. We understand that utilities can request that One Call provide notice that certain utilities prefer to be contacted directly. That procedure is one which some utilities wish to continue as they prefer to deal first hand with the contractor(s) of proposed excavation projects.

Likewise, it should be understood that there are those water utilities which have satisfactory experience as members of the notification center.

Kansas Rural Water Association respectfully suggests that this issue be referred to further study so that the merits of the single notification center can be fully reviewed and what enhancements and impairments there may be, particularly to public water supply systems - municipal and rural.

Thank you for your attention.

Respectfully,



Elmer Ronnebaum
General Manger

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