

Approved: March 22, 2000 *Carl Dan Holmes*
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Vice-Chairman Tom Sloan at 9:04 a.m. on March 7, 2000 in Room 231-N of the Capitol.

All members were present except: Rep. Carl Holmes

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

Conferees appearing before the committee: Kim Gulley, League of Kansas Municipalities
Diane Gage, Sedgwick County Emergency Communications
David Lake, Kansas Board of Emergency Medical Services
Leo Haynes, Kansas Corporation Commission

Others attending: See Attached Guest List

SCR 1641 - Formation of enhanced 911 task force

Kim Gulley, appearing on behalf of both the League of Kansas Municipalities and the Kansas Association of Counties, testified in support of **SCR 1641 (Attachment 1)**. Ms. Gulley stated that the Kansas Association of Counties had requested the introduction of the resolution to establish the task force to study the current system and make recommendations for providing enhanced 911 services.

Ms. Diane Gage, Director of Sedgwick County Emergency Communications, testified as a proponent of **SCR 1641 (Attachment 2)**. With the rapidly changing technology for the delivery of 911 services, it is critical to be able to provide the highest level of service to all users. The task force would provide the means to meet this challenge.

Mr. David Lake, Director of the Board of Emergency Medical Services, provided testimony in support of **SCR 1641 (Attachment 3)**. Mr. Lake asked that the committee consider adding a representative of pre-hospital Emergency Medical Services to the task force membership.

Conferees responded to questions from Rep. Long.

SB 514 - Natural gas pipeline safety; compromise of penalties imposed by KCC

Mr. Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission, testified in support of **SB 514 (Attachment 4)**. Mr. Haynos stated that this change would give the Commission additional flexibility in establishing a fair and equitable penalty for violations.

Mr. Haynos responded to questions from Rep. Kuether, Rep. Krehbiel, Rep. McClure, Rep. Sloan and Rep. Klein.

HR 6011 - Resolution urging the Corporation Commission to conduct a study and make recommendations for revisions of the one-call law

Kim Gulley, Director of Policy Development for the League of Kansas Municipalities, testified in support of **HR 6011 (Attachment 5)**. Ms. Gulley explained that during earlier hearings on the One-Call System, several questions were raised. A study by the Corporation Commission may answer those questions.

Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission, testified in support of **HR 6011 (Attachment 6)**. Mr. Haynos stated that the Commission staff was in full support of the resolution.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES in Room 231-N on March 7, 2000 at 9:04 a.m.

The conferees responded to questions from Rep. Vining.

Vice-Chairman Sloan announced that the committee would be working **Sub for Sub SB 257, SB 431 and SB 514** the following day. On Thursday **HR 6011** and **SB 455** will be worked.

Rep. Loyd moved to accept the minutes of the February 8, February 10, February 11, February 14, February 15, February 16 and February 17. Rep. Alldritt seconded the motion. Motion carried.

Meeting adjourned at 9:27 a.m.

Next meeting will be Wednesday, March 8, 2000 at 9:00 a.m.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 7, 2000

NAME	REPRESENTING
Joe Dick	BPU KCK
KEO HAYNDS	KCC
Paula Lentz	KCC
RON APPLETOFT	WATER DIST No 1 of Jo Co
Patt Lehman	KS Fire Service Alliance
David Lake	Bel. of Emer. Med. Serv.
Dave Gage	Sedgwick County
Marcie Less	Sedgwick County
Kevin Barzone	Hem Jueir Chrt'd
Kim Shelly	LKM
JC Long	UCU
Whitney Damron	ONEOK INC.
Cynthia Smith	KOPR
Sandra Braden	McCall Baches & Assoc
TOM DAY	KCC
Janet Stubbs	Ks Bldg IND ASSN.



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To: House Utilities Committee
From: Kim Gulley, Director of Policy Development
League of Kansas Municipalities
Date: March 7, 2000
Re: Support for SCR 1641

Thank you for allowing me to appear today on behalf of the League of Kansas Municipalities, the Kansas Association of Counties, and the cities and counties that these two organizations represent. The establishment of a task force to study 911 services in Kansas is a joint priority for our associations.

The Kansas Association of Counties requested the introduction of SCR 1641 in the Senate Commerce Committee. The Legislative Post Audit that was completed concerning 911 systems in Kansas recommended that a task force be formed to study the issue and make recommendations to the Legislature. During our policy processes last fall, both the League and the KAC adopted policy priorities in support of a task force to study 911.

Providing efficient and effective 911 systems is a public safety priority for most Kansas cities and counties. We support studying the current system and making recommendations for providing enhanced 911 services across the state.

The proliferation of wireless communications has created the need upgrade the technological capabilities of our 911 systems. It has also pointed out the need to ensure tax equity with respect to the funding of these systems.

Because of the importance and complexity of these issues, both the League and the KAC support the establishment of a 911 task force as recommended in SCR 1641. We urge your favorable passage of this legislation and I would be happy to answer any questions that you might have.



**SEDGWICK COUNTY , KANSAS
DEPARTMENT OF
EMERGENCY COMMUNICATIONS**

Diane M. Gage, Director
525 N Main Ste-B-6
Wichita, KS 67203-3707
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**TESTIMONY TO THE HOUSE UTILITIES COMMITTEE
REGARDING SENATE CONCURRENT RESOLUTION 1641**

March 7, 2000

Chairman Holmes and members of the House Utilities Committee, I am Diane Gage, Director of Sedgwick County Emergency Communications, Sedgwick County's "911" department. Sedgwick County supports the Senate Concurrent Resolution 1641.

As a provider of "911" services, I feel SCR 1641 provides communications centers the representation needed to insure the needs of our citizens are met both now and in the future.

The membership represents the entire chain of delivery, from the individuals who provide the equipment and services for the "911" call to the communications centers, public safety providers and representation of the citizens who are the ultimate consumers in this service.

The technology for the delivery of "911" telephone services is changing rapidly and there is a critical need to be able to provide a high level of service to all users, whether on hardwired or wireless telephones. This task force should provide the means for us to meet this challenge.

Thank you for your time and consideration. I would be glad to answer any questions.

Sincerely,

Diane M. Gage
Director, Sedgwick County
Emergency Communications

....to be the best we can be.

HOUSE UTILITIES

DATE: 3-7-00

ATTACHMENT 2

KANSAS BOARD OF EMERGENCY MEDICAL SERVICES

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David Lake
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Dennis Allin, M.D.
Chair

Bill Graves
Governor



House of Representatives
Utilities Committee
Rep. Holmes, Chairperson
March 7, 2000
Testimony in Support of SCR1641

I am David Lake, Director of the Board of Emergency Medical Services. Thank You for the opportunity to speak with you today in support of SCR1641, a bill to establish a task force to make recommendations to the Legislature concerning 911 and E911 telephone service.

I served on the advisory committee in Barton County that established their E911 system. I represented the Emergency Medical Services of Barton County and the education/training component. It became very clear to me, and the rest of the committee, the importance of the 911 system and even more specifically the "enhanced" capability of the system. Of particular interest and concern with regard to EMS is the ability, via the system, to provide life-saving instructions which can greatly enhance the victims chance of surviving until more definitive care is available. Formal training and certification for this level of service by dispatchers is available and discussion has occurred in the past which has suggested requiring such training.

The purpose of my testimony this morning, in addition to indicating my support and that of the Board of EMS, is to ask that you give consideration to including a representative of pre-hospital Emergency Medical Services for membership on the task force. I will be glad to respond to any questions or comments you may have regarding this issue.

HOUSE UTILITIES

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ATTACHMENT 3

**Before the House Utilities Committee
Comments by the
Staff of the Kansas Corporation Commission
March 7, 2000**

Senate Bill 514

Thank you Mr. Chair. I am Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission and I'm appearing today on behalf of the Staff of the KCC. My comments will be brief. In Senate Bill 514, we have proposed to modify the statute K.S.A. 66-1,152, the statute that allows compromise of civil penalties for pipeline safety and underground utility damage prevention act violations.

Currently, this statute allows the Commission to consider various factors in compromising a penalty amount. However, once an appropriate fine amount is determined, the penalty still goes to specific statutorily dictated accounts. The changes we are suggesting will go a step further, and allow the Commission to specify that a portion of that fine can be used for investment in a related project that would benefit or enhance future compliance. The terms of the related project would be defined in a consent agreement negotiated between the offending party and the Commission Staff, and subject to Commission approval.

This minor change to the statute would give the Commission additional flexibility in establishing a fair and equitable penalty for a violation. It would also minimize the burden of administrative hearings while directing any penalty collected toward tangible projects that would promote the common good of the regulated community.

HOUSE UTILITIES
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ATTACHMENT 4

Our current method of assuring compliance with One-Call and pipeline safety laws is to investigate complaints and then issue a probable non-compliance requesting the offender to respond to our findings. If the offender agrees with the findings, we request him to explain how he will change his operations to assure future compliance. If the offender doesn't agree, we request that he explain his side of the story. We then investigate further, and the process goes through another iteration. This so-called "warning ticket" approach works well in most cases. However, there are times when a violation is serious enough to compel Staff to refer the case for a Commission hearing and recommend a monetary penalty. According to statute, any penalties assessed by the Commission for pipeline safety or One-Call violations are allocated 80% to the pipeline safety budget and 20% to the general fund.

I believe the proposed modification to statute 66-1,152 will give the Commission an additional enforcement tool that would rank somewhere between the "warning ticket" and a hearing. The modification would apply to those cases where a monetary penalty is appropriate. It should not be considered as an alternative to a fine since it will still require payment as a result of a violation. However, it would allow penalties that would have very little impact on either the pipeline safety budget or the general fund to be directed toward enhancing compliance.

For example, a penalty related to a violation of the damage prevention act could be directed to One-Call public awareness efforts in the community where the violation took place. Other possibilities that could be effective when dealing with gas utilities would be giving them the option to purchase related safety equipment in lieu of paying a penalty.



League of Kansas Municipalities

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To: House Utilities Committee
From: Kim Gulley, Director of Policy Development
Date: March 7, 2000
Re: Support for HR 6011

Thank you for allowing me to appear today on behalf of the League of Kansas Municipalities and our member cities. The League supports HR 6011, which requests a study of the one-call system.

In committee hearings earlier this session, several issues surrounding the current status of the one-call system and possible amendments were discussed. In particular, several questions were raised as to the participation of municipalities in the notification center. There does appear to be some confusion concerning the current language in the Kansas Underground Utility Damage Prevention Act, K.S.A. Supp. 77-1808 *et seq.*, regarding which cities are required to participate in the program and which cities may choose to participate as a local option.

Cities in Kansas recognize the importance of a reliable, accurate system for determining the location of underground facilities. The League, therefore, supports HR 6011 and we stand willing to assist the Kansas Corporation Commission in any way possible to study and make recommendations concerning the one-call system.

I would be happy to answer any questions that any of you might have.

**Before the House Utilities Committee
Comments by the
Staff of the Kansas Corporation Commission
March 7, 2000**

House Resolution 6011

Thank you Mr. Chair and members of the Committee. I am Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission. I appreciate the opportunity to be here today to testify for the Commission on House Resolution No. 6011.

The Commission Staff supports this resolution which requests the Commission to conduct a review and study of the Kansas Underground Utility Damage Prevention Act.

The resolution further requests that we provide for the participation of interested parties and that the review use the Common Ground Study published by the United States Department of Transportation as a framework.

Over the past few days, I have had the opportunity to discuss this resolution with various parties that are affected by One Call legislation. These individuals have been associated with contract locating companies, municipalities, excavators, and private utilities. All have expressed a positive interest in the proposed resolution and a willingness to participate in the study.

Commission Staff also has received comments from individuals that were involved in the original drafting of the One Call law back in 1993. They also favor this resolution and have commented that a review of the statutes is appropriate.

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ATTACHMENT 6