

## MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:09 a.m. on March 14, 2001 in Room 526-S of the Capitol.

All members were present.

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

Conferees appearing before the committee: None

Others attending: See Attached List

**HB 2521 - Kansas Underground Utility Damage Prevention Act revision**

The debate on **HB 2521** continued, using the listing of proposed amendments previously distributed (Attachment 1). Rep. Myers moved to adopt proposed amendment #3, Rep. Long seconded the motion, motion failed. Rep. Myers moved to include under the definition of facility, the option for rural water districts to be allowed to opt in or out of the One-Call program at the effective date of the statute and if they choose to opt in, they must stay in. Rep. Compton seconded the motion, motion carried. There was no motion on proposed amendment #4. Rep. Loyd moved to adopt proposed amendment #5, Rep. Alldritt seconded the motion. Request to divided the question by subsection was granted. Motion on amendment #5 subsection (B), with added language "...marked in the right of way in a manner....." carried. Motion on amendment #5 subsection (C) carried. There was no motion on proposed amendment #6. Rep. Sloan moved to adopt proposed amendment #7. Rep. Long seconded the motion, motion carried. Rep. Sloan moved to adopt proposed technical amendments #'s 8 and 9. Rep. Dreher seconded the motion, motion carried. Rep. Loyd moved to adopt proposed amendment #10 striking the words 'into lots of less than 1/2 acre', Rep. Long seconded the motion. Motion carried. Rep. Sloan moved to adopt the language in the first half of proposed amendment #11. Rep. Dahl seconded the motion, motion carried. Rep. Sloan moved to adopt proposed technical amendments #'s 12 and 13. Rep. Dreher seconded the motion, motion carried. Rep. Krehbiel moved to adopt proposed amendment #14, Rep. Dahl seconded and the motion carried. Rep. Sloan moved to adopt proposed amendment #15. Rep. Dahl seconded the motion, motion carried. Rep. Sloan moved to adopt the remaining proposed technical amendments (#'s 16, 19, 20, 23 & 24). Rep. Dahl seconded the motion and the motion carried. Rep. Sloan moved to adopt proposed amendment #17 with grammatical corrections and Rep. Dreher seconded the motion. The motion carried. Rep. Sloan moved to adopt proposed amendment #18. Rep. Myers seconded the motion, motion failed. Rep. Krehbiel moved to adopt proposed amendment #21 with Rep. Dillmore seconding. Motion carried. Rep. Dreher moved to adopt proposed amendment #22. Rep. O'Brien seconded the motion, motion carried. Rep. Compton moved to adopt proposed amendment #25. Rep. Long seconded the motion, the motion carried. Rep. Compton moved to adopt proposed amendment #26 and Rep. Alldritt seconded the motion. The motion failed. Rep. Sloan moved to adopt proposed amendment #27. Rep. Dreher seconded the motion and the motion carried. Rep. Sloan moved to adopt proposed amendment #28. Rep. Kuether seconded the motion. The motion carried. Rep. Sloan moved to adopt proposed amendment #29 with the second by Rep. Dreher. Motion carried. Rep. Dillmore moved to adopt proposed amendment #30. Rep. Krehbiel seconded the motion and the motion carried. Rep. Loyd moved to strike from page 4, lines 40 to 42 the words 'including telephone and facsimile' and Rep. Kuether seconded the motion. The motion carried. Rep. Loyd moved to strike from page 3, line 17 the word 'initial meeting' and replace them with 'the meeting in accordance with subsection 1. Rep. Kuether seconded the motion and the motion carried. Rep. Loyd moved to strike the language on page 6, lines 32-33, subsection (p) that reads '...results in gross negligence or willful and wanton disregard of underground facilities.' and replace it with '...results in negligent disregard of underground facilities.' Rep. Dillmore seconded the motion. Motion carried. Due to time constraints, the debate on **HB 2521** will continue at the next meeting.

Meeting adjourned at 10:57 a.m.

Next meeting is Thursday, March 15, 2001

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 14, 2001

NAME	REPRESENTING
Judy Moler	Ks Assoc of Counties
LARRY ETRIDGE	SL7 BELL
BILL HAINSLIP	KCC
LEO HAYNOS	KCC
Jim TYLER	WESTERN RESOURCES
Nancy Shughnessy	Federico Community
Bill Watts	KDOT
Opie Duck	KCK BPU
Jack Graves	Duke P.H. KM + @fy
Ken Peters	KS Petroleum Council
DAN RAMLOW	KS Contractors Assn.
Kevin Ellens	Salvation Army
Denny Koch	SW Bell
VL Kinney	Private Citizen
Bob Krehbiel	KIOGA
Don Miles	KCC
Ashley Sherard	Johnson County



PROPOSED AMENDMENTS TO H. B. 2521

- p. 1, l. 25: (a) "Damage to an underground facility" means . . . [Terry Knight, contractor]
- p. 1, l. 43-  
p. 2, l. 2: (3) operations related to exploration and production of crude oil or natural gas, or both, ~~that do not take place in a public access right-of-way.~~ [KIOGA]
- p. 2, l. 8-12: (e)(1) "Facility" means any underground line, system or structure used for transporting, gathering, storing, conveying, transmitting or distributing gas, electricity, communication, crude oil, refined or processed petroleum, petroleum products or hazardous liquids, ~~sewage, potable water or other liquids.~~ [LKM]
- p. 2, l. 13-15: (2) Facility shall not include ~~the following: (A) Storm water sewers installed before January 1, 2002; or (B) any~~ production petroleum . . . [LKM]
- p. 2, l. 14-18: . . . ~~or (B) production petroleum lead lines, but only if such lines are not located on platted land and are located outside of any public access right-of-way and more than one mile outside the corporate limits of any city which are used in the production of natural gas, but only if such lines are located outside any public access right-of-way or are clearly marked in a manner sufficient to provide notice of their location; or (C) other production petroleum lead lines located on unplatted land or outside the corporate limits of any city.~~ [KIOGA]
- p. 2, l. 14-18: . . . ~~or (B) production petroleum lead lines, but only if such lines are not located on platted land and are located outside of any public access right-of-way and more than one mile outside the corporate limits of any city~~ [BP]
- p. 2., l.18: add a new exemption: (C) facilities used to convey communications or electricity to street lights or traffic control devices or used to provide utility service to a public rest area facilities if: (i) Such facilities are owned and operated by a public entity; (ii) the easement where such facilities are located is owned or controlled by the public entity; and (iii) an excavator, before excavating in the easement, is required to obtain from the public entity a permit which requires, at a minimum, that the excavator comply with the provisions of this act at the proposed excavation site [KDOT]
- p. 2, l. 26: change "work" to "works" [technical - staff]
- p. 3, l. 11: insert space after "(2)" [technical - staff]
- p. 3, l. 29-31: (o) "Platted land" means a tract or parcel of land which has been ~~divided into two or more parts~~ subdivided into lots of less than ½ acre for the purpose of sale or building developments, including housing developments, and for which a surveyor's plat has been filed of record in the office of the register of deeds in the county where the land is located. [KIOGA]

HOUSE UTILITIES

DATE:

3-14-01

ATTACHMENT

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p. 3, l. 36-38: (q) “Public access right-of-way” means any ~~public street or highway and the contiguous area within 75 feet of each side of the right-of-way of such street or highway~~ federal highway, state highway, county road or township road, and the right-of-way associated with such highway or road. [KIOGA]

or

(q) “Public access right-of-way” means any ~~public street or highway and the contiguous area within 75 feet of each side of the right-of-way of such street or highway~~ federal highway, state highway or major collector county road, as designated by the department of transportation, and the right-of-way associated with such highway or road. [KIOGA; BP]

p. 4, l. 15: change “as” to “an” [technical - staff]

p. 4, l. 34: change “the” to “The” [technical - staff]

p. 5, l. 3-4: (d) The notice of intent to excavate or any subsequent updates shall be valid for 15 calendar days after the date the ~~excavation starts~~ scheduled excavation start date. [KCC staff]

p. 5, l. 10: (4) the type and depth of excavation being planned . . . [KRWA]

p. 5, l. 12: change “the” to “The” [technical - staff]

p. 5, l. 14-16: (B) an accurate description of the excavation area using any available designations such as closest street, road, intersection or additional information as requested by the notification center at the request of the operator . . . [KRWA]

p. 5, l. 23-26: (g) The person giving the notice of intent to excavate shall whieline the proposed excavation site when requested by the operator or ~~when the description of the excavation location cannot be described with sufficient detail to enable the operator to ascertain the precise tract or parcel involved . . .~~ [new language, KRWA; stricken language, technical - staff]

p. 6, l. 2: change “any” to “Any” [technical - staff]

p. 6, l. 6: change “under ground” to “underground” [technical - staff]

p. 6, l. 13-17: (2) If the proposed excavation will use an excavation technique, ~~such as boring or cable plowing,~~ that does not allow the excavator to visually observe the placement of the new facility, the excavator shall make a reasonable attempt, by pot holing or hand digging before the excavation begins, to determine the depth of visually determine that the excavation for the new facility will not interfere with any facilities located in and near the proposed excavation site. [KCC staff]

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- p. 6, l. 23-29: (o) Excavation activity may begin ~~two working days after the day on which the notice of intent to excavate has been given on the scheduled excavation start date~~ or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner. ~~If a meet on site is requested, the excavation activity may begin two working days after the meet on site has occurred or when all facilities in and near the proposed excavation site are marked by the operator, whichever occurs sooner.~~
- p. 7, l. 31: change "is" to "in" [technical - staff]
- p. 7, l. 42: strike first "the" [technical - staff]
- p. 8, l. 8: (1) ~~An audio~~ A record of each notice of intent to excavate . . . [Kansas One-Call System]
- p. 8, l. 11-14: (e) Upon request, a copy of the record documenting notice of intent to excavate shall be furnished by an operator or by the notification center to the state corporation commission ~~or to the person giving the notice of intent to excavate.~~ [Kansas One-Call System]
- p. 8, l. 34-36: (c) Within two working days, beginning on the first working day after an excavator has filed a notice of intent to excavate or before the scheduled excavation start date, an operator of tier 1 facilities, unless otherwise agreed between the parties, shall . . . [KCC staff]
- p. 10, l. 2-9: (1) File and maintain with the notification center ~~accurate~~ maps of the operator's underground facilities or a map showing the operator's service area;  
(2) file and maintain current operator telephone contact numbers that can be accessed on a 24-hour-per-day basis; and  
(3) pay costs incurred by the notification center for maintaining an ~~accurate~~ database of tier 2 members' facilities and disseminating information regarding those facilities to excavators. [KRWA]
- p. 10, l. 17-18: (d) Within two working days, beginning on the first working day after being notified of an intent to excavate or before the scheduled excavation start date, an operator of tier 2 facilities shall . . . [KCC staff]
- p. 10, l. 36-41: (f) If an excavator, within two working days after the initial identification of the location by the operator of a tier 2 facility, notifies ~~the notification center~~ such operator that the identifiers have been improperly removed or altered, ~~the~~ such operator shall make a reasonable effort to reidentify the location within one working day after ~~the~~ such operator receives actual notice from the notification center. [KCC staff]

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