

SESSION OF 2006

SUPPLEMENTAL NOTE ON SENATE BILL NO. 464

As Amended by Senate Committee of the Whole

Brief*

SB 464 would provide the Kansas Corporation Commission (KCC) the authority to adopt rules and regulations necessary to carry out the provisions of the Kansas underground utility damage prevention act (KUUDPA).

Background

KUUDPA, also known as the One Call law, provides excavators and operators of underground utilities the ability to rely on the notification center to notify all operators of buried facilities that the excavators intend to work in a particular area. The notification center has electronic maps of the underground facilities of all of its members and alerts its members to respond to the work area and place flags or paint marks on top of the ground to indicate the location of their facilities.

During the 2002 legislative session, SB 490 was passed to allow the KCC authority to promulgate regulations dealing specifically with marking utilities and requiring guidelines for trenchless excavations. KCC began the regulation approval process and the proposed regulations were sent to the Office of the Attorney General for review. The Office of the Attorney General opined that the statute limits the KCC authority to promulgate regulations to the two areas specifically stated in the Act, and, therefore, it could not approve a regulation outside of those two areas without a statute that clearly authorizes adoption of the regulation. The language in SB 464 would expand the KCC's authority to promulgate rules and regulations to carry out all of the provisions of the KUUDPA.

The Senate Committee amended the bill to add the word water to the definition of facility in KSA 66-1802. The effect of the

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

amendment is that water utilities are required to participate in KUUDPA.

The Senate Committee of the Whole amended the bill to strike the addition of the word "water" from the definition of facility in KSA 66-1802.

A representative of the KCC presented testimony in support of the bill.

There were no conferees who presented testimony in opposition of the bill.

The fiscal note from the Director of Budget states that the bill would have no fiscal effect on the KCC or the Citizens' Utility Ratepayer Board.