

Approved: _____
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on February 21, 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: Terry Knight, Overland Trenching
Dave Schmidlein, Schmidlein Excavating
Leo Haynos, Kansas Corporation Commission
Dick Rohlf, Western Resources
Mike Rump, Kansas City Power & Light
Steve Johnson, Kansas Gas Service

Others attending: See Attached Guest List

Mary Torrence, Revisor, presented the committee report on **HB 2984** as passed on February 18, 2000.

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

Lynne Holt, Research Analyst, presented an overview of the One-Call System in Kansas (Attachment 1). Ms. Holt explained that the Kansas Underground Utility Damage Prevention Act established a system in which excavators could make one phone call to determine the location of various underground lines, pipes, conduits and other transporting facilities. The KCC is responsible for administering and enforcing the act. The Kansas One Call Center is a nonprofit corporation formed by utility companies. All utilities, except for owners of sewer, water, and oil and gas production lines must become members. The Center discharges its dispatch responsibilities after being contacted, at least two days, but not more than ten days, before the excavation date, by the excavator. The excavator informs them of the dig site and the utilities are then contacted to mark their underground facilities no sooner than two days before the date of excavation. Complaints are handled through the Kansas Corporation Commission's Office of Pipeline Safety.

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

Appearing as the first proponent to the bill was Mr. Terry Knight, owner of Overland Trenching (Attachment 2). Mr. Knight explained that one of the greatest difficulties in doing his job was delays of operators because the lines hadn't been marked. He also felt that the definition of 'facility' needed to be expanded to include all fiber optic cable, cable television service and Internet providers. Additionally he felt that gas and water lines connected to more than one service should be marked.

Mr. Knight responded to questions from Rep. Alldritt, Rep. Sloan, Rep. Myers and Rep. Vining.

Mr. Dave Schmidlein, Schmidlein Excavating, testified in support of **HB 2983** (Attachment 3). Mr. Schmidlein stated that this bill will offer some means for the private contractors to recover damages caused by inaccurate marks or failure to mark underground facilities.

Mr. Schmidlein responded to questions from Rep. Alldritt, Rep. Sloan, Rep. Kuether, Rep. Myers, Rep. Vining, Rep. Krehbiel, Rep. Loyd and Rep. Dahl.

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES in Room 231-N on February 21, 2000 at

CONTINUATION SHEET

9:10 a.m.

Leo Haynos, Chief of Pipeline Safety for the Kansas Corporation Commission, testified as an opponent to **HB 2983** (Attachment 4). Mr. Haynos explained that the Commission felt this was an issue that should be considered in an interim study. He explained that the purpose of the 'One Call' law is to protect the integrity of the underground utility infrastructure and to prevent the loss of life and property from excavating in areas with unseen dangers. As the amount of underground facilities increases, the potential for damages or outages also increases. Mr. Haynos then outlined proposed changes should this bill go forward.

Dick Rohlfs, Senior Manager of Regulatory Requirements for Western Resources, provided testimony in a neutral position on **HB 2983** (Attachment 5). He questioned several items in the bill, including the definition of underground facilities, what needs to be marked, who needs to be a member and what penalties, if any, should be included. He also encouraged an interim study on the bill.

Kansas City Power & Light's Senior Attorney Michael Rump provided written testimony in a neutral position on **HB 2983** (Attachment 6).

Mr. Steve Johnson, Executive Director of Corporate Relations for Kansas Gas Service testified in a neutral position on **HB 2983** (Attachment 7). Mr. Johnson explained that, if this bill passed, Kansas Gas Service would ultimately pay more for locating services and it would become increasingly difficult to find locate contractors to work in Kansas.

The conferees responded to questions from Rep. Loyd, Rep. Krehbiel, Rep. Holmes, Rep. McClure, Rep. Sloan, Rep. Dahl and Rep. Vining.

Chairman Holmes recessed the hearing on **HB 2983** until Tuesday, February 22, 2000.

Meeting adjourned at 10:55 a.m.

Next meeting will be on Tuesday, February 22, 2000 at 9:00.