

Before the House Judiciary Committee

March 17, 2021
Written Only Neutral Testimony
On Senate Bill 172

Submitted by Leo Haynos, Chief Engineer, Utilities Division
On Behalf of
The Staff of the Kansas Corporation Commission

Chair Patton, Vice Chair Ralph, Ranking Minority Member Carmichael, and members of the committee, thank you for the opportunity to provide testimony to your committee today on behalf of the staff of the Kansas Corporation Commission (Commission).

The Commission Staff is taking a neutral position on SB 172, which would amend K.S.A. 21-5818. In its current form, this statute defines the consequences of crimes associated with tampering with a pipeline. SB172 expands the crimes of trespass and tampering to include critical infrastructure facilities, which under the KCC's jurisdiction would include facilities associated with electric transmission, all natural gas distribution facilities, gas storage, and crude oil storage on production leases. With respect to natural gas transmission pipelines, however, the bill appears to limit the scope of the crimes of trespassing or causing criminal damage to only those pipeline facilities that are aboveground or are clearly marked with a sign.¹

All pipeline facilities that are in service are also subject to federal law regarding vandalism or damage. However, I am unsure if the federal law applies to pipelines under construction.² A copy of the federal law that I believe applies is attached to my testimony.

¹ See Section 1, subparagraph (h)(16) of SB172.

² The definition of a pipeline appears to refer to a pipeline that is in service rather than a construction activity.

49 U.S. Code § 60123.Criminal penalties

(b)Penalty for Damaging or Destroying Facility.—

A person knowingly and willfully damaging or destroying an interstate gas pipeline facility, an interstate hazardous liquid pipeline facility, or either an intrastate gas pipeline facility or intrastate hazardous liquid pipeline facility that is used in interstate or foreign commerce or in any activity affecting interstate or foreign commerce, or attempting or conspiring to do such an act, shall be fined under title 18, imprisoned for not more than 20 years, or both, and, if death results to any person, shall be imprisoned for any term of years or for life.

(c)Penalty for Damaging or Destroying Sign.—

A person knowingly and willfully defacing, damaging, removing, or destroying a pipeline sign or right-of-way marker required by a law or regulation of the United States shall be fined under title 18, imprisoned for not more than one year, or both.