

MINUTES OF THE SENATE UTILITIES COMMITTEE.

The meeting was called to order by Chairman Senator Stan Clark at 9:30 a.m. on February 14, 2002 in Room 231-N of the Capitol.

All members were present except:

Committee staff present: Raney Gilliland, Legislative Research
Emalene Correll, Legislative Research
Bruce Kinzie, Revisor of Statutes
Ann McMorris, Secretary

Conferees appearing before the committee:

Leo Haynos, Kansas Corporation Commission
George Melling, Kansas Gas Service
Jim Bartling, Greeley Gas Company
David Backer, Southwestern Bell Telephone Company
Jim Tyler, Westar Energy
John Parisi, Kansas Trial Lawyers Association

Others attending: See attached list

The committee was provided copies of:

1. Fiscal note on **SB 490**
2. Committee Action Index
3. Response from Kansas City Power & Light to question at January 24, 2002 meeting
(Attachment 1)

The Chairman opened the meeting for testimony on

SB 490 - Kansas underground utility damage prevention act, regulations

Proponents

Leo Haynos, Kansas Corporation Commission, gave a brief overview of the Act and some of the history, recommended one change in the bill as written and reviewed the three significant new requirements proposed in the revisions. (Attachment 2)

George Melling, Kansas Gas Service, asked the committee to consider two additional amendments to the KUUDPA that they believed necessary to correct two serious deficiencies in the existing statutory language. (Attachment 3)

Jim Bartling, Greeley Gas Company, supported the amendments proposed by Kansas Gas Service. (Attachment 4)

David Backer, Southwestern Bell Telephone Company, proposed several amendments and changes in the language to clarify the obligations placed on excavators and utility operators. (Attachment 5)

Jim Tyler, Westar Energy, supported **SB 490**. (Attachment 6)

Opponent

John Parisi, Kansas Trial Lawyers Association, opposed **SB 490** because it grants immunity to an excavator who negligently injures an innocent third party. He offered language to correct this deficiency. (Attachment 7)

Written testimony from Janet Stubbs, Kansas Building Industry (Attachment 8)

The committee asked questions of each conferee following their presentations.

CONTINUATION SHEET

MINUTES OF THE SENATE UTILITIES COMMITTEE at on February 14, 2002 in Room 231-N of the Capitol.

On completion of the testimony from the proponents and opponents, Chairman Clark asked that all the proposed amendments be looked at by those testifying and additional written or oral testimony could be presented when the hearing continued on Wednesday, February 20, 2002.

The next meeting of the Senate Utilities Committee is February 20, 2002.

Adjournment.

Respectfully submitted,

Ann McMorris
Secretary

Attachments - 8