

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Jay Emler at 9:30 A.M. on March 9, 2007 in Room 526-S of the Capitol.

Committee members absent:

Committee staff present: Raney Gilliland, Kansas Legislative Research Department  
Mike Corrigan, Revisor of Statutes  
Tatiana Lin, Legislative Fellow  
Ann McMorris, Committee Secretary

Conferees appearing before the committee:

Others in attendance: See attached list

Chairman Emler opened for discussion and possible action on:

**SB 20 - Kansas Underground Utility Damage Prevention Act**

The subcommittee on **SB 20** had met twice and directed the Revisor to prepare a proposed **Substitute for Senate Bill 20** incorporating all the suggested changes. (Attachment 1)

Chair called on Revisor's staff member Mike Corrigan to explain the various changes incorporated into **Substitute for SB 20**. In the language on page 4, first underlined portion, it was changed to read, "except that a larger ~~the~~ tolerance zone for a tier 2 facility *may* ~~shall~~ be established....." And on page 6 in section (h) following the word 'facilities' *that desire direct contact with the excavator* be inserted and the language would read (h) A suitable record shall be maintained by operators of tier 2 facilities that desire direct contact with the excavator to document the receipt of notices from excavators.

Moved by Senator Francisco, seconded by Senator Reitz, adopt the amendments in **Substitute for SB 20**. Motion carried.

Moved by Senator Francisco, seconded by Senator Reitz, **Substitute for SB 20** be further amended by adding into Section 3 a new (d) as follows: (d) For operators of tier 2 facilities that desire direct contact with the excavator and (1) maintain an in-house utility locate department, (2) provide utility location service 24 hours per day, 7 days per week in response to emergency locate requests, (3) maintain written procedures for the location of underground facilities consistent with K.S.A. 66-1802 and make contact information for the facility locate department readily available to excavators, the notification center will create a special membership for the notification center to provide electronic contact information for the operator and a link to the operator's locate department on the notification center's website. The fee for such special membership will not exceed \$2,500. (The following sections to be renumbered accordingly).

Considerable discussion. Reference to K.S.A. 66-1802 was changed to 66-1806 and added the word "annual" before the word "fee" in the last sentence. Chair called for a vote. Motion failed.

Moved by Senator Reitz, seconded by Senator Petersen, **Substitute for SB 20** be moved out favorably as amended. Motion carried.

Approval of Minutes

Moved by Senator Taddiken, seconded by Senator Reitz, to approve the minutes of the meetings of the Senate Utilities Committee held on March 5, 2007, March 6, 2007, March 7, 2007 and March 8, 2007. Motion carried.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 1