

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Jay Emler at 9:30 A.M. on January 18, 2007 in Room 526-S of the Capitol.

Committee members absent:

Committee staff present

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

Conferees appearing before the committee: George Melling, Kansas Gas Service
Leo Haynos, Kansas Corporation Commission
Mark Schreiber, Westar
Bob Totten, Kansas Contractors Association
Katy Steinbacher, BRB Contractor, Topeka
Darci Meese, Johnson County Water District #1

Others in attendance: See attached list

Chairman Emler opened the hearing on:

S.B. 20 - Kansas Underground Utility Damage Prevention Act

Proponents:

George Melling, Manager-Claims and Risk, Kansas Gas Service, spoke in favor of efforts to improve public safety by strengthening the Underground Damage Prevention Act by including sanitary sewer and potable water system operators. ([Attachment 1](#))

Leo Haynos, chief of Gas Operations and Pipeline Safety for the Kansas Corporation Commission, cited the areas of potential trouble for excavators due to lack of information on the location of underground utilities. He noted the advantages of having One Call service. He reviewed the actions the KCC would take in regard to minimizing the liability of both parties when digging near a line of unknown location if **SB 20** were passed.

KCC supports the passage of **SB 20** which requires operators of potable water and sanitary sewer facilities to meet the same obligations as other utility sectors with buried infrastructure. ([Attachment 2](#))

Mark Schreiber, director of Government Affairs for Westar Energy, noted **SB 20** provides the KCC rule and regulation authority to establish appropriate tolerance zones and a protocol for handling hard to locate facilities. This would cover three problem issues; (1) contacting the operator; (2) timeliness; and (3) accuracy. ([Attachment 3](#))

Bob Totten, public affairs director for the Kansas Contractors Association, spoke of the concerns of their members who agree that all facility exemptions contained in the One Call program should be addressed and that all underground operators should be part of the Kansas Underground Utility Damage Prevention Act. ([Attachment 4](#))

Katy Steinbacher, Director of Business Development for BRB Contractors, Topeka, brought the views from experience of a contractor specializing in the construction of utilities in water and wastewater treatment facilities. She noted that technology to provide for comprehensive locates is readily available and affordable. Unlocated underground utilities can result in environmental catastrophes, wasted resources, decreased worker safety and contingent liability that will adversely affect the future development of Kansas. ([Attachment 5](#))

Opponents:

Darci Meese, Governmental Affairs Coordinator, Johnson County Water District No. 1, presented their opposition to **SB 20** and noted that underground water facilities do not present the same health and safety issues posed by other underground utilities. A mandate requiring water utilities to participate in the One Call Center will result in a substantial unnecessary expense to the utility's ratepayers without providing any benefit or enhanced service. ([Attachment 6](#))

CONTINUATION SHEET

MINUTES OF THE Senate Utilities Committee at 9:30 A.M. on January 18, 2006 in Room 526-S of the Capitol.

Following each presentation, the committee asked for further confirmation, questioned areas of safety, cost factors involved, liability determination, location of lines outside their territory, time response on a water break report and number of States with One Call programs. Senator Apple requested information from KCC on the number of customers in the Wichita water district. Senator Lee requested a copy of the letter sent by the League of Municipalities to their membership.

Due to the lack of time, the hearing on **SB 20** was scheduled to continue of Tuesday, January 23. The remainder of the proponents and opponents who were on the schedule to testify will be heard at that time.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 6