

## MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Jay Emler at 9:30 A.M. on January 23, 2007 in Room 526-S of the Capitol.

Committee members absent: Senator Janis Lee- excused

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: Ron Hein, Associated Builders & Contractors  
Elmer Ronnebaum, Kansas Rural Water Association, Seneca  
Tim Danneburg, City of Olathe  
Kim Winn, League of Kansas Municipalities

Others in attendance See attached list

Chairman Emler announced information requested by the committee has been included with the presentations as follows:

1. 1-18-2007 - Press Release on KEEP Program dated 11/20/06 ([Attachment 1](#))
2. 1-18-2007 - Letter from Kansas Housing Resources Corporation with additional information on weatherization and KEEP ([Attachment 2](#))
3. 1-23-2007 League of Kansas Municipalities memo dated 1/12/2007 sent to selected municipal water and sewer utilities ([Attachment 3](#))

### Hearing on SB 20 - Kansas Underground Utility Damage Prevention Act (continued)

#### Proponents

Ron Hein, Associated Builders and Contractors, Heart of America Chapter, was in favor of all utilities belonging to One Call in order for the system to work. Contractors must be prudent in trying to make sure they do not run into existing facilities causing delays, expensive repairs, down time and potential safety risks. ([Attachment 4](#))

Much discussion on how liability is currently determined.

Written testimony was provided by:

Kim Brown, Smoky Hills, LLC ([Attachment 5](#))

Chuck Hill, Cornejo & Sons, Inc., Wichita, KS ([Attachment 6](#))

Christopher Rech, A. M. Cohron & Son, Inc, Emporia, KS ([Attachment 7](#))

Dale Goter, City of Wichita ([Attachment 8](#))

(Leo Haynos of the KCC provided locate information on the City of Wichita.)

#### Opponents

Elmer Ronnebaum, Kansas Rural Water Association, Seneca, stated their opposition to mandatory participation of public water and wastewater systems in Kansas One Call. It is important to improve the locate process without loading the burden onto the public water and wastewater utilities. ([Attachment 9](#))

Discussion on maps correctly identifying the utilities and if contractors who lay lines should be asked to provide information for mapping.

Tim Dannenburg, City of Olathe, strongly opposes this unfunded mandate and stressed that it will increase costs to ratepayers with no return for customers. He noted contractors were required to apply for a permit to excavate in Olathe and that information was provided for utilities, other than Olathe-owned, that run through the city. ([Attachment 10](#))

CONTINUATION SHEET

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Kim Winn, League of Kansas Municipalities, noted the following policy was adopted by LKM - “we support the inclusion of municipal utilities in the state one-call system on a voluntary basis.” **SB 20** changes the liability standard so that excavators would have zero liability unless gross negligence could be proven. Technical assistance and training would be one direction toward getting accurate maps. The League supports mandatory provisions on locating all future construction projects. (Attachment 11)

Written testimony was provided by John Zutavern, City Commissioner, City of Abilene. (Attachment 12)

Chair closed the hearing on **SB 20**.

Adjournment.

Respectfully submitted,

Ann McMorris, Secretary

Attachments - 12