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REVISOR of STATUTES
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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: House Committee on Energy, Utilities and Telecommunications
From: Office of Revisor of Statutes
Date: February 9, 2023
Subject: HB 2226: Extending the time period for notice of excavations and permitting use of virtual whitelining for excavations.

House bill 2226 amends multiple statutes related to the Kansas underground utility damage prevention act.

The bill amends the definition of white lining, adding a virtual option by stating “or identifying such route or boundary by other technology developed for such purposes.” The bill amends the definition of “permitted project” to include that a notice of intent of excavation shall be served to all operators of underground facilities to get a permit for the project.

The bill amends all references of notice of intent to excavate in K.S.A. 66-1804. Currently, most notices shall be given at least 2 days but not to exceed 15 days. The bill amends the amount of days to not exceed to 20 days. Also, the bill includes a provision that allows the KCC to adjust the extent of time that a notice is valid.

The bill would require that the notification center for all underground facilities to give prompt report of “damage or contact with an underground facility” to an affected operator of such facility.

The bill would allow the maximum number of days allowed to an operator for providing the location of a tolerance zone may be adjusted by the state corporation commission. When there is contact or damage to an underground facility, an excavator shall also immediately notify the operator of the facility and the notification center.

Current statute allows for economic damages in any civil court when there is a failure of an operator to inform the excavator within two days of the tolerance zone of the underground facility. The bill allows for damages if an operator fails to inform the excavator before the state date.