Local Government Mandate Statement Kentucky Legislative Research Commission 2020 Regular Session

Part I: Measure Information

Bill Request #: 1834
Bill #: SB 228
Document ID #: <u>5885</u>
Bill Subject/Title: AN ACT relating to underground facility protection.
Sponsor: Wil R Schroeder
Unit of Government:xCityxCountyxUrban-CountyxCharter CountyxConsolidated LocalxGovernment
Office(s) Impacted: Municipal and county utilities
Requirement: <u>x</u> Mandatory Optional
Effect on Powers & Duties: <u>x</u> Modifies Existing <u>x</u> Adds New Eliminates Existing

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

The fiscal impact of SB 228 is nil to potentially moderate. Municipal utilities with underground facilities or utilities that perform excavation work will have to comply with changes to operator and excavator duties. The impact, costs or potential cost savings for utilities will depend on multiple factors, such as the size and location of a utility's underground facilities, the utility's current support for its required protection notification center, and the structure, function and responsiveness of a protection notification center functioning in compliance with the provisions of SB 228, and the potential benefits provided by the Kentucky Contact Center (which serves the majority of utilities in the state).

SB 228 amends KRS 367.4903 to redefine "excavator," "approximate location," and "working day"; "person," "positive response," "tolerance zone," and "unlocatable facility". It amends KRS 367.4909 to require a positive response from operators of underground facilities and enunciates the timing of operator responses. The Act amends KRS 367.4911 to provide excavator start dates and when mechanized equipment can be used in the tolerance zone.

SB 228 amends KRS 367.4913 to change the composition of the Kentucky Contact Center board of directors and amends KRS 369.4915 to exempt certain noninvasive inspection and maintenance excavating. SB 228 amends KRS 367.4917 to impose penalties on the employer if the violation is committed in the scope of employment.

Part III: Differences to Local Government Mandate Statement from Prior Versions

Part II, above, pertains to the bill as introduced.

Data Source(s):	Kentucky League of Cities; Kentucky Rural Water Association; Kentucky
	Municipal Utilities Association