

SENATE BILL REPORT

ESHB 2223

As Reported by Senate Committee On:
Energy, Natural Resources & Marine Waters, February 16, 2012

Title: An act relating to modifying the effective date of RCW 19.122.130 from 2011's underground utility damage prevention act

Brief Description: Regarding the effective date of RCW 19.122.130, from the underground utility damage prevention act.

Sponsors: House Committee on Technology, Energy & Communications (originally sponsored by Representatives Takko, Morris, Armstrong and Angel; by request of Utilities & Transportation Commission).

Brief History: Passed House: 2/08/12, 97-0.

Committee Activity: Energy, Natural Resources & Marine Waters: 2/15/12, 2/16/12 [DP].

SENATE COMMITTEE ON ENERGY, NATURAL RESOURCES & MARINE WATERS

Majority Report: Do pass.

Signed by Senators Ranker, Chair; Regala, Vice Chair; Delvin, Ranking Minority Member; Morton, Ranking Minority Member; Fraser, Hargrove, Murray, Stevens and Swecker.

Staff: Angeline Thomas (786-7470)

Background: During the 2011 session, the Legislature approved and the Governor signed the Underground Utility Damage Prevention Act (E2SHB-1634) into law. It was the first significant update of the Call Before You Dig Law since it was enacted in 1984. This law made the following changes:

- clarified the responsibilities of a person who owns underground facilities and those who dig near those facilities;
- established a stakeholder group to advise on improving public and worker safety and review potential violations of law;
- provided for the Utilities and Transportation Commission (UTC) or the Office of the Attorney General to enforce violations of the law;
- required that facility operators and excavators report damage to underground utilities to the UTC; and

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- established a damage prevention account to pay for training to improve public and work safety funded by penalties paid to the UTC.

The law becomes effective January 1, 2013.

Summary of Bill: The Utilities and Transportation Commission is authorized to contract with a nonprofit entity to create a Safety Committee in advance of January 1, 2013, the effective date of the Underground Utilities Damage Prevention Act.

By January 1, 2013, the Safety Committee may pass bylaws and provide for organizational processes that are necessary to complete the Safety Committee's tasks.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This is agency request legislation to fix last year's bill. It will allow the safety committee to get underway before the effective date of the act. This will improve the ability of stakeholders to work together.

Persons Testifying: PRO: Fred Yancey, NW Natural Gas; Brad Tower, Olympic Pipe Line Co.; Nancy Atwood, Puget Sound Energy; Dan Coyne, WITA; Collins Sprague, Avista Corp.; Ann Rendahl, UTC.