**IOWA ONE CALL**

February 15, 2021  **Senate Study Bill 1188**

**Review and Rational**

**Inaccurate/incompatible (proposed) language**

Some language in SSB1188 is not compatible with the notification process and is at conflict with other subsections of Iowa Code chapter 480:

* SSB1188, Page 1, lines (2), (4), (6) and (8)

The word “operator” is not compatible with the notification process.

* ***Chapter 480.3 Notification Center Established – Participation***

*….The (Iowa One Call) board shall determine the operating procedures and technology needed for a single statewide notification center and established notification process.*

The processing of notices at the notification center, as determined by the Iowa One Call Board of Directors, is

predicated on when the notices are received at the center and transmitted from the center.

Language must state that the processing of notices is predicated on the time a notice is received at the “center” and (not) “by the operator” and when a notice is transmitted from the notification center.

* SSB1188, Page 1, line (3): [5A. *“Forty-eight-hour period”* means]

The proposed definition of what the “forty-eight-hour” period means on page 1, lines (5) and (9), omits the exception, “excluding Saturdays, Sundays, and legal holidays.” This is (not) consistent with other subsections of the code where the forty-eight-hour period is referenced as including the exception for Saturdays, Sundays, and legal holidays.

* SSB1188, Page 1, lines (5), (6), (9) and (10)

Processing the forty-eight-hour period with two different start times/dates would require developing a new notification center process unique to the industry as no other state notification centers in the country implement such a process. Determining feasibility would be more challenging since there are no other states that can be cited as an example or reference.

* SSB1188, Page 2, lines (13 through 18): [“Remarking”]

The proposed addition of “remarking” to the code must be consistent with the other subsections pertaining to the notification center and the positive response process. The operator/locator would first need to notify the center of the remarking status prior to the center notifying the excavator that the remarking has been completed or that the operator/locator failed to notify the center the remarking is complete. **Example:** *The operator shall complete the remarking and notify the notification center that the remarking has been completed within the forty-eight-hour period, excluding Saturdays, Sundays, and legal holidays, unless otherwise agreed by the operator and the excavator. No later than the expiration of the forty-eight-hour period, excluding Saturdays, Sundays, and legal holidays, the notification center shall notify the excavator of the operator’s remarking status, or failure of the operator to notify the notification center the remarking is complete.”*

* SSB1188, Page 2, lines (27) and (28) [proposed addition of the exception, *“unless otherwise agreed by the operator and the excavator”*]

When an operator determines that the operator does not have any underground facilities located within the proposed area of excavation the operator should provide positive response within the forty-eight-hour period, excluding Saturdays, Sundays, and legal holidays, without other exceptions. **Example:** *Chapter 480.4(3)(b) “An operator who receives notice from the notification center and who determines that the operator does not have any underground facility located within the proposed area of excavation shall notify the notification center concerning this determination within forty-eight hours after receiving the notice, excluding Saturdays, Sundays, and legal holidays… No later than the expiration of the forty-eight-hour period…the center shall notify the excavator that the operator does not have any underground facilities within the proposed area of excavation.”*