

2/11/98 Rereferred To: Local Gov.

FEB 11 1998

COMMERCE AND REGULATION

HOUSE FILE  
BY KLEMME

2234  
(also HF 2502)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to the statewide notification center and  
2 providing for alternative staff and the information  
3 requirements associated with the notice of an excavation.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

HF 2234

1 Section 1. Section 480.3, subsection 1, paragraph a, Code  
2 1997, is amended to read as follows:

3 a. A statewide notification center is established and  
4 shall be organized as a nonprofit corporation pursuant to  
5 chapter 504A. The center shall be governed by a board of  
6 directors which shall represent and be elected by operators,  
7 excavators, and other persons who participate in the center.  
8 The board ~~shall~~, with input from all interested parties, shall  
9 determine the operating procedures and technology needed for a  
10 single statewide notification center, and establish a  
11 notification process and. In addition, the board shall either  
12 establish a competitive bidding procedure to select a vendor  
13 to provide the notification service or retain sufficient and  
14 necessary staff to provide the notification service. ~~The~~ If a  
15 vendor is selected, terms of the agreement for the  
16 notification service may be modified from time to time by the  
17 board, and the agreement shall be reviewed, with an  
18 opportunity to receive new bids, no less frequently than every  
19 three years. If the board retains staff to provide the  
20 notification service, the board, at the board's discretion,  
21 may review the notification service at any time and make a  
22 determination to use the competitive bidding procedure to  
23 select a vendor.

24 Sec. 2. Section 480.4, subsection 1, Code 1997, is amended  
25 to read as follows:

26 1. Except as otherwise provided in this section, prior to  
27 any excavation, an excavator shall contact the notification  
28 center and provide notice of the planned excavation. ~~This~~  
29 Except as otherwise provided, this notice must be given at  
30 least forty-eight hours prior to the commencement of the  
31 excavation, excluding Saturdays, Sundays, and legal holidays.  
32 The notification center shall establish a toll-free telephone  
33 number to allow excavators to provide the notice required  
34 pursuant to this subsection.

35 A notice provided pursuant to this subsection shall be

1 verbal and include the following information:

2 a. The name of the person providing the notice.

3 b. (1) The precise location of the proposed area of  
4 excavation, including the range, township, section, and  
5 quarter section, if known. If for a location within a city,  
6 the information shall include the following:

7 (a) A street address or block and lot numbers, or both.

8 (b) Name of the housing development, if any and if known.

9 (c) Name of the property owner, if known.

10 (d) Approximate location on the property.

11 (2) If for a location outside a city, the information  
12 shall include the following:

13 (a) Names of the county, range, township, section, and  
14 quarter section.

15 (b) Name of the property owner, if known.

16 (c) E911 address and global positioning system coordinate,  
17 if known.

18 (d) Name of the housing development, if any and if known.

19 (e) Street address or block and lot number for a housing  
20 development outside the city limits.

21 c. The name and address of the excavator.

22 d. The excavator's telephone number.

23 e. The type and extent of the proposed excavation.

24 f. Whether the discharge of explosives is anticipated.

25 g. The date and time when excavation is scheduled to  
26 begin.

27 If all the information required by this subsection is not  
28 included in the notification, the operator, with notification  
29 to the excavator, may require up to ninety-six hours to locate  
30 the underground facility before excavation can be commenced.

31 For purposes of the requirements of this section, an  
32 excavation commences the first time excavation occurs in an  
33 area that was not previously identified by the excavator in an  
34 excavation notice.

35 Sec. 3. Section 480.4, subsection 3, paragraph a,

1 subparagraph (1), Code 1997, is amended to read as follows:

2 (1) An operator who receives notice from the notification  
3 center shall mark the horizontal location of the operator's  
4 underground facility and the excavator shall use due care in  
5 excavating in the marked area to avoid damaging the  
6 underground facility. The Except as otherwise provided in  
7 this section, the operator shall complete such locating and  
8 marking within forty-eight hours after receiving the notice,  
9 excluding Saturdays, Sundays, and legal holidays, unless  
10 otherwise agreed by the operator and the excavator. The  
11 locating and marking of the underground facilities shall be  
12 completed at no cost to the excavator. If, in the opinion of  
13 the operator, the planned excavation requires that the precise  
14 location of the underground facilities be determined, the  
15 excavator, unless otherwise agreed upon between the excavator  
16 and the operator, shall hand dig test holes to determine the  
17 location of the facilities unless the operator specifies an  
18 alternate method.

19 EXPLANATION

20 This bill provides that the board of directors of the  
21 statewide underground facility notification center, in lieu of  
22 establishing a competitive bidding procedure to select a  
23 vendor to provide the notification service, may elect to  
24 retain necessary and sufficient staff to provide the  
25 notification service. The bill provides that if the board  
26 retains staff to provide the notification service, the board  
27 may review the notification service and decide at a later time  
28 to use the competitive bidding procedure to select a vendor.

29 The bill establishes separate information to be provided  
30 with respect to the location of a proposed excavation,  
31 depending on whether the location is rural or within a  
32 municipality. The bill also provides that if all required  
33 information is not provided, the operator, with notification  
34 to the excavator, may require up to 96 hours to locate the  
35 underground facility.