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MAR 2 1998
Place On Calendar

HOUSE FILE 2502
BY COMMITTEE ON LOCAL GOVERNMENT

(SUCCESSOR TO HSB 663)
(*Summary HF 2234*)

Passed House, ^(p. 644) Date 3/12/98
Vote: Ayes 97 Nays 0
Approved April 2, 1998

Passed Senate, Date 3/24/98 ^(p. 869)
Vote: Ayes 49 Nays 0

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:

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HF 2502

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

34 b. A notice provided pursuant to this subsection for a
35 location within a city shall be verbal and include the

1 following information:

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

3 ~~b. The precise location of the proposed area of~~
4 ~~excavation, including the range, township, section, and~~
5 ~~quarter section, if known.~~

6 (1) A street address or block and lot numbers, or both, of
7 the proposed area of excavation.

8 c. (2) The name and address of the excavator.

9 d. (3) The excavator's telephone number.

10 e. (4) The type and extent of the proposed excavation.

11 f. (5) Whether the discharge of explosives is anticipated.

12 g. (6) The date and time when excavation is scheduled to
13 begin.

14 (7) Approximate location of the excavation on the
15 property.

16 (8) If known, the name of the housing development and
17 property owner.

18 c. A notice provided pursuant to this subsection for a
19 location outside a city shall include the following
20 information:

21 (1) The name of the county, township, range, and section.

22 (2) The name and address of the excavator.

23 (3) The excavator's telephone number.

24 (4) The type and extent of the proposed excavation.

25 (5) Whether the discharge of explosives is anticipated.

26 (6) The date and time when excavation is scheduled to
27 begin.

28 (7) Approximate location of the excavation on the
29 property.

30 (8) If known, the quarter section, E911 address and global
31 positioning system coordinate, name of property owner, name of
32 housing development with street address or block and lot
33 numbers, or both.

34 d. For purposes of the requirements of this section, an
35 excavation commences the first time excavation occurs in an

1 area that was not previously identified by the excavator in an
2 excavation notice.

3 EXPLANATION

4 This bill provides that the board of directors of the
5 statewide underground facility notification center, in lieu of
6 establishing a competitive bidding procedure to select a
7 vendor to provide the notification service, may elect to
8 retain necessary and sufficient staff to provide the
9 notification service. The bill provides that if the board
10 retains staff to provide the notification service, the board
11 may review the notification service and decide at a later time
12 to use the competitive bidding procedure to select a vendor.

13 The bill establishes separate information to be provided
14 with respect to the location of a proposed excavation,
15 depending on whether the location is rural or within a
16 municipality.

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Klemme, Ch
ARNOLD
FALLON

HSB 663

LOCAL GOVERNMENT

Successor By

SF 02502

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
LOCAL GOVERNMENT BILL BY
CHAIRPERSON VANDE HOEF)

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:

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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, if known; E911 address and global positioning
15 system coordinate, if known; name of the housing development,
16 if any and if known; and the street address or block and lot
17 number for a housing development.
- 18 (b) Name of the property owner, if known.
19 (c) E911 address and global positioning system coordinate,
20 if known.
- 21 (d) Name of the housing development, if any and if known.
22 (e) Street address or block and lot number for a housing
23 development outside the city limits.
- 24 c. The name and address of the excavator.
25 d. The excavator's telephone number.
26 e. The type and extent of the proposed excavation.
27 f. Whether the discharge of explosives is anticipated.
28 g. The date and time when excavation is scheduled to
29 begin.
- 30 For purposes of the requirements of this section, an
31 excavation commences the first time excavation occurs in an
32 area that was not previously identified by the excavator in an
33 excavation notice.
- 34 Sec. 3. Section 480.4, subsection 3, paragraph a,
35 subparagraph (1), Code 1997, is amended to read as follows:

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

18 EXPLANATION

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

28 The bill establishes separate information to be provided
29 with respect to the location of a proposed excavation,
30 depending on whether the location is rural or within a
31 municipality.

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HOUSE FILE 2502

AN ACT

RELATING TO THE STATEWIDE NOTIFICATION CENTER AND PROVIDING
FOR ALTERNATIVE STAFF AND THE INFORMATION REQUIREMENTS
ASSOCIATED WITH THE NOTICE OF AN EXCAVATION.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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

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

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

1. a. Except as otherwise provided in this section, prior to any excavation, an excavator shall contact the notification center and provide notice of the planned excavation. This

notice must be given at least forty-eight hours prior to the commencement of the excavation, excluding Saturdays, Sundays, and legal holidays. The notification center shall establish a toll-free telephone number to allow excavators to provide the notice required pursuant to this subsection.

b. A notice provided pursuant to this subsection for a location within a city shall be verbal and include the following information:

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

~~b. The precise location of the proposed area of excavation, including the range, township, section, and quarter section, if known.~~

(1) A street address or block and lot numbers, or both, of the proposed area of excavation.

~~c. (2) The name and address of the excavator.~~

~~d. (3) The excavator's telephone number.~~

~~e. (4) The type and extent of the proposed excavation.~~

~~f. (5) Whether the discharge of explosives is anticipated.~~

~~g. (6) The date and time when excavation is scheduled to begin.~~

(7) Approximate location of the excavation on the property.

(8) If known, the name of the housing development and property owner.

c. A notice provided pursuant to this subsection for a location outside a city shall include the following information:

(1) The name of the county, township, range, and section.

(2) The name and address of the excavator.

(3) The excavator's telephone number.

(4) The type and extent of the proposed excavation.

(5) Whether the discharge of explosives is anticipated.

(6) The date and time when excavation is scheduled to begin.

(7) Approximate location of the excavation on the property.

(8) If known, the quarter section, E911 address and global positioning system coordinate, name of property owner, name of housing development with street address or block and lot numbers, or both.

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

RON J. CORBETT
Speaker of the House

MARY E. KRAMER
President of the Senate

I hereby certify that this bill originated in the House and is known as House File 2502, Seventy-seventh General Assembly.

ELIZABETH ISAACSON
Chief Clerk of the House

Approved April 2, 1998

TERRY E. BRANSTAD
Governor