

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 1, 2018
Date

Committee on Finance.

After consideration on the merits, the Committee recommends the following:

SB18-167 be amended as follows, and as so amended, be referred to the Committee on Appropriations with favorable recommendation:

1 Amend the Transportation Committee Report, dated February 22, 2018,
2 page 3, strike lines 22 through 24 and substitute:

3 "(XI) ONE INDIVIDUAL NOMINATED BY THE COLORADO
4 TELECOMMUNICATIONS AND BROADBAND INDUSTRY TO REPRESENT
5 TELECOMMUNICATIONS AND BROADBAND COMPANIES;"

6 Amend printed bill, page 4, line 2, after "THE" insert "DENTING OR".

7 Page 5, line 24, strike "(11), and (12)" and substitute "and (11)".

8 Page 11, line 7, strike "SECTION." and substitute "SECTION; EXCEPT THAT,
9 IF AN EXCAVATION NOTICE IS LIMITED TO ONLY ANNUAL ROAD
10 MAINTENANCE THAT DOES NOT EXCEED SIX INCHES IN DEPTH CONDUCTED
11 BY A GOVERNMENTAL AGENCY ON AN EXISTING UNPAVED ROAD, THE
12 MARKING SHALL BE CONSIDERED VALID FOR UP TO ONE HUNDRED EIGHTY
13 DAYS. UPON RECEIPT OF THE NOTIFICATION, AN OWNER OR OPERATOR HAS
14 TEN BUSINESS DAYS TO COORDINATE THE EXCAVATION ACTIVITY WITH THE
15 GOVERNMENTAL AGENCY."

16 Page 11, line 8, strike "thirty-day" and substitute "~~thirty-day~~ APPLICABLE".

17 Page 11, line 11, strike "THE thirty-day" and substitute "~~thirty-day~~ THE
18 APPLICABLE".

- 1 Page 14, line 13, after "ANY" insert "INTERSTATE OR INTRASTATE".
- 2 Page 14, line 15, after "EXCAVATOR" insert "OR PERSON THAT CAUSED
3 THE DAMAGE".
- 4 Page 15, strike lines 2 through 9.
- 5 Page 15, line 22, strike "AND".
- 6 Page 15, after line 26 insert:
- 7 "(C) POLICIES AND BEST PRACTICES TO IMPROVE EFFICIENCY AND
8 COST SAVINGS TO THE 811 PROGRAM, INCLUDING THE REVIEW,
9 ESTABLISHMENT, AND PERIODIC UPDATING OF INDUSTRY BEST STANDARDS,
10 TO ENSURE THE HIGHEST LEVEL OF PRODUCTIVITY AND SERVICE FOR THE
11 BENEFIT OF BOTH EXCAVATORS AND OWNERS AND OPERATORS; AND".
- 12 Page 16, line 6, after the period add "THE MEMORANDUM OF
13 UNDERSTANDING MUST INCLUDE PROVISIONS OUTLINING THE ROLES AND
14 RESPONSIBILITIES OF THE SAFETY COMMISSION REGARDING STATEWIDE
15 ENFORCEMENT AND THE ROLES AND RESPONSIBILITIES OF THE
16 NOTIFICATION ASSOCIATION IN ADMINISTERING THE NOTIFICATION
17 ASSOCIATION AS OUTLINED IN SECTION 9-1.5-105.".
- 18 Page 23, line 23, after the semicolon add "AND".
- 19 Page 23, strike lines 24 and 25.
- 20 Reletter succeeding paragraph accordingly.
- 21 Page 24, after line 27 insert:
- 22 "SECTION 5. In Colorado Revised Statutes, 9-1.5-104.5, **amend**
23 (3)(c) as follows:
24 **9-1.5-104.5. Civil penalties - applicability.** (3) (c) The penalties
25 AND REMEDIES provided in this article **1.5** are in addition to any other
26 remedy at law or equity available to an excavator or to the owner or
27 operator of a damaged underground facility, AND SECTIONS 9-1.5-104.2
28 AND 9-1.5-104.4, REGARDING THE SAFETY COMMISSION'S ENFORCEMENT
29 AUTHORITY, DO NOT LIMIT OR RESTRICT ANY OTHER REMEDY AT LAW OR
30 EQUITY AVAILABLE TO AN EXCAVATOR OR TO THE OWNER OR OPERATOR

- 1 OF A DAMAGED UNDERGROUND FACILITY."
- 2 Renumber succeeding sections accordingly.

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