M I N U T E S PUBLIC UTILITIES COMMITTEE Wednesday, January 31, 1968

Committee met at 4 p.m. in room 528 with Chairman Strowig presiding.

All members were present.

The following sat in on the meeting: Messrs. W. L. Perdue, KP*L; Perry Miller, Kans. Elec. Co-op; Allen Paull, Smoky Hill Elec. Corp.; Ben Pritchard, Ninnesoah Co-op; Ken Dyar, KAMU.

HB 1724 - Mr. Brier moved adoption of an amendment on page 5, line 14, to take care of municipally owned or operated electric or gas utilities furnishing service to municipally owned facilities outside corporate limits. (Copy attached) Mr. Ratner seconded the motion and it carried.

Mr. Griffith reported for the subcommittee studying this bill and offered amendments as attached. Under these, municipal utilities without a comprehensive plan will automatically be certified within a one mile radius of city limits upon application to the Corporation Commission. Mr. Brier moved adoption of the subcommittee report, seconded by Mr. Ratner. Motion carried.

Mr. Ratner then moved recommendation for passage of HB 1724 as amended, seconded by Mr. Turner. Motion carried.

Meeting adjourned.

auguste m. Lang

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

Your committee on

Public Utilities

Recommends that

House Bill No. 1724

"An Acr relating to utilities; prescribing the powers and authority of certain municipally owned utilities; relating to the powers and duties of certain boards of public utilities; defining certain terms; requiring certificates of authority to transact business, and exempting certain utilities therefrom; amending K.S.A. 12-806, 12-808, 12-821, 66-104 and 66-131 and K.S.A. 1967 Supp. 13-1223, and repealing the existing sections, and also repealing K.S. A. 12-807."

Be amended:

On page 1, following line 12, by inserting a new section 3 to read as follows:

"Sec. 3. K. S. A. 12-820 is hereby amended to read as follows: 12-820. If any part or portion of the plant or property of any person, company or corporation sought to be acquired by any city proceeding under the provisions of this act be located outside the corporate limits and boundaries of said city, the said city may, nevertheless, proceed under this act to acquire title to such part or portion of the said plant or property as may be located, and to hold and control the same as the property of the city the same as though it was located within the corporate limits of said city, subject to the provisions of K. S. A. 66-104 and 66-131, as amended.";

And by renumbering sections 3, 4, 5, 6, 7, 8, 9 and 10 as sections 4, 5, 6, 7, 8, 9, 10 and 11, respectively;

On page 4, in line 1, by striking the word "and" and inserting in lieu thereof the word "or"; in line 3 by striking the word "and" and inserting in lieu thereof the word "or"; in line 29, by inserting before the word "which" the following: "the commission shall grant a certificate allowing such utility to transact business within an area not to exceed one mile outside the corporate limits of the municipality owning or operating such utility, and upon application for such certificate by any such electric or gas utility"; in line 30, by striking "and" and inserting in lieu thereof "or"; also in line 30, by striking "city" and inserting in lieu thereof "municipality"; in line 31, by striking "city" and inserting in lieu thereof "municipality"; in line 31, by striking

On page 5, in line 3, by striking "city's" and inserting in lieu thereof "municipality's"; in line 4, by inserting after the period the following: "Any municipally owned or operated electric or gas utility, granted a certificate pursuant to this section, shall be subject to the full jurisdiction and regulatory powers of the corporation commission."; in line 7, by striking the word "and" where it last appears in the line and inserting in lieu thereof "or"; in line 16, by striking "and" and inserting in lieu thereof "or"; in line 17, by inserting after the word "utility" where it first appears in the line the following: ", defined"; in line 28, by striking "and" and inserting in lieu thereof "or";

On page 6, in line 3, by striking "and" and inserting in lieu thereof "or"; by striking all of line 11 and inserting in lieu thereof the following: "Sec. 10. K. S. A. 12-806, 12-807, 12-808, 12-820, 12-821, 66-104 and 66-131 and";

In the title, in line 2, by inserting after "owned" the following: "or operated"; in line 6, by inserting before the figures "12-821" the following: "12-820,";

And the bill be passed as amended.

Chairman
Chairman.

On page 5, in line 14, by inserting after the word "section" the following: ", nor shall this section apply to any municipally owned or operated electric or gas utility furnishing electricity or gas to a facility owned by such municipality and located outside the corporate limits of such municipality"