

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

Held in Room 522, at the Statehouse at 3:30 ~~xx~~ p. m., on January 30, 1978.

All members were present except: Representatives Brewster, Augustine, Hayes, Hoagland, and Mills, who were excused.

The next meeting of the Committee will be held at 3:30 ~~xx~~ p. m., on January 31, 1978.

These minutes of the meeting held on _____, 19____ were considered, corrected and approved.



Chairman

The conferees appearing before the Committee were:

- Mr. Neal Shortlidge, League of Kansas Municipalities
- Rep. Arden Dierdorff
- Rep. Jack Rodrock
- Mr. D. Wayne Zimmerman, Electric Companies Association of Kansas
- Mr. Jim Grimes, Northern Natural Gas Company
- Mr. Tom Pittner, Chief Attorney, Corporation Commission

The meeting was called to order by the Vice Chairman, Eugene Gastl. He introduced Mr. Neal Shortlidge to discuss a proposal which he hoped the committee might introduce as a committee bill. He explained some cities were having problems with the present provisions regarding the destruction of animals. He presented a proposed bill. (See printed copy.) It was moved by Rep. Stites and seconded by Rep. Frey that the proposal be introduced and referred back to committee. Motion carried.

None

Rep. Dierdorff appeared to discuss HB 2851, dealing with appeals from rulings by the Corporation Commission. He offered a printed statement, and explained there is the necessity for some clean up amendments which he asked Mr. Griggs to explain. (See both printed copies.) Mr. Griggs distributed copies of the amendment which he explained.

Rep. Rodrock explained that HB 2877 is an identical bill; that he had been visiting with the Corporation Commission about the matter for sometime, and had recently received a letter agreeing that this would be a way to handle the matter. He stated he has no objection to the proposed amendments.

Mr. Tom Pittner told the committee that the Commission has no opposition to the proposal.

Mr. D. Wayne Zimmerman stated his association does not oppose the bills, and explained that prior to the session they had considered requesting such legislation themselves to shorten the process now used to handle such matters. He stated he felt this kind of legislation would be in the interests of both consumer and producer, and that they support the proposal and the suggested amendments.

Mr. Bill Ewing of the Southwestern Bell Telephone Company stated he had no statement at this time, but would like to be heard later.

Mr. Jim Grimes testified he had come to ask the committee to not look favorably on the proposals, but with the amendments they have no objection and can support the bill. He expressed the opinion this would resolve a lot of problems and believes it would be beneficial to everyone.

Rep. Foster stated he had a request from Senator Chandler that SB 154 receive action. The Vice Chairman explained that emphasis is now on house bills and he would prefer the Chairman be present if any action is to be taken.

The meeting was adjourned.

HOUSE JUDICIARY

NAME

ORGANIZATION

ADDRESS

Charles D. Lewis

United Telephone of Kansas

Junction City, Mo

hon Stanton

KPL

Topeka

W. P. Wynn

J.W. Bell

"

W. D. Pope

SW Bell

Topeka

D. WAYNE ZIMMERMAN

THE ELECTRIC CO. ASSN. OF KS.

TOPEKA

W. C. Conrad

KJ&E

Wechita

Tom Pitner

KCC

Topeka

Neil Spradige

League of Ks. Municipalities

Topeka

Arden Pearson

Home Pipe

Smith Center

Jim Grimes

Northern Nat Gas

SUMMARY OF HB2851

Under present law a public utility that is dissatisfied with an order of the state corporation commission may seek review of the order in the district court of any county where the order of the commission is to become effective. For a large public utility that operates in many counties, the present law gives the utility a broad choice of counties to pick from in deciding what court should hear the appeal. HB2851 would eliminate this present procedure by requiring all reviews of corporation commission orders relating to public utilities to be heard by the court of appeals.

Because of the complex nature of rate-making hearings, this change in the present law would enable one court to develop expertise and a better understanding of complex issues that arise in public utility hearings. Further, such a change will eliminate the potential for abuse that is present under the existing law which permits public utilities to select, from among the various counties in which the order of the commission is effective, a particular district court to hear its appeal. The bill does not change the appeal procedure for common carriers, they will continue to take their appeals to the district court.

The proposed changes shown on the "balloon" copy of page 1 of HB2851 are designed to cover appeals by persons who have intervened in a public utility hearing before the commission, as well as appeals by the corporation commission's staff in a public utility hearing. If the proposed amendments are adopted, all appeals of public utility hearings before the corporation commission would be to the court of appeals regardless whether the utility, an intervenor or the commission's staff took the appeal, except that appeals pending when HB2851 takes effect would continue their appeal under the present law.

1-30

HOUSE BILL No. 2851

By Representative Dierdorff

1-12

0014 AN ACT relating to the state corporation commission; concerning
0015 proceedings for review of the commission's orders or deci-
0016 sions; amending K.S.A. 66-118a, 66-118c, 66-118d and 66-118f
0017 and repealing the existing sections.

0018 *Be it enacted by the Legislature of the State of Kansas:*

0019 Section 1. K.S.A. 66-118a is hereby amended to read as fol-
0020 lows: 66-118a. The term "party" as used in this act, and any
0021 amendments thereto, shall include any person, firm, corporation,
0022 association, municipality, taxpayer, municipal organization,
0023 mercantile, agricultural or manufacturing organization or system,
0024 public utility or common carrier interested in any matter pending
0025 before the state corporation commission or in proceedings for
0026 review of an order or decision of the commission. As used in this
0027 act, "public utility" means a public utility as defined by K.S.A.
0028 1977 Supp. 66-104 and amendments thereto. The court of appeals
0029 shall have exclusive jurisdiction of proceedings for review of an
0030 order or decision of the state corporation commission requested
0031 by a public utility. Proceedings for review of such orders or
0032 decisions by any other party shall be to a district court having
0033 venue, as provided in K.S.A. 66-118c, as amended. Any proceed-
0034 ing for review of an order or decision of the corporation commis-
0035 sion which is pending at the time this act takes effect shall not be
0036 affected by the provisions of this act. In proceedings for review of
0037 an order or decision of the commission, the state corporation
0038 commission shall be a party to the proceedings and shall have all
0039 rights and privileges granted by this act to any other party to such
0040 proceedings.

0041 Sec. 2. K.S.A. 66-118c is hereby amended to read as follows:
0042 66-118c. Within thirty (30) days after the application for a re-

arising from a hearing

or requested by the state corporation commis-
sion when a public utility is a necessary party.

other

of the state corporation commission