

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS

The meeting was called to order by Representative Robert H. Miller at  
Chairperson

1:30 a.m./p.m. on March 27, 1985 in room 526S of the Capitol.

All members were present except:

Representative Peterson  
Representative Roenbaugh - E  
Representative Roe  
Committee staff present:

Lynda Hutfles, Secretary  
Mary Torrence, Revisor's Office  
Russ Mills, Research

Conferees appearing before the committee:

Tuck Duncan, Wine & Spirits Wholesalers Association  
John Lamb, ABC  
Representative Wunsch  
Ken Bock, Kingman County  
Jim Moore, Associated Milk Producers  
Reverend Taylor

The meeting was called to order by Chairman Miller.

HB2250 - Alcoholic beverage control; rules and regulations  
adopted by secretary of revenue

Tuck Duncan, Kansas Wine & Spirits Wholesalers Association, gave testimony in support of the bill which will streamline the mechanics by which the ABC rules and regulations are adopted. He suggested that in line 89 after the word "approval" the words "modification or rejection" should be inserted.

John Lamb, Alcoholic Beverage Control, told the committee this was not their bill and they did not propose it. He said he could support the bill a little better if the amendment of Mr. Duncan's is adopted. Mr. Lamb felt this authority was already in the statutes.

Hearings were concluded on HB2250.

Attention was called to next week's agenda.

Representative Aylward made a motion, seconded by Representative Sallee to approve the minutes of the March 27 meeting. The motion carried.

HB2417 - Designating milk as the official state drink

Representative Wunsch explained why he introduced the bill. He told the committee what the official state song, animal, bird, flower and insect are and in what year they were made official.

Ken Bock, a dairy farmer from Kingman County and a member of the AMPI, gave testimony in support of the bill. See attachment A.

Jim Moore, Kansas Division Manager of Associated Milk Producers, gave testimony in support of the bill.

Reverend Taylor expressed his support of milk being the state drink.

Hearings were concluded on HB2417.

HB2227 - Sale of real property by county; procedure

Representative Aylward made a conceptual motion, seconded by Representative Long, to amend the bill so that it would localize the intent of the bill

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL & STATE AFFAIRS,  
room 526S, Statehouse, at 1:30 a.m./p.m. on March 27, 1985

to two counties - Sedgwick and Johnson - and to exempt it from the home rule provision. The motion carried.

Representative Vancrum made a motion, seconded by Representative Aylward, to report HB2227 favorably as amended. The motion carried.

HB2569 - Court review of driver's license suspension or revocation; restriction on issuance of new license

Representative Vancrum made a motion, seconded by Representative Aylward, to insert "the" in lieu of "said" in line 57. The motion carried.

Representative Vancrum made a motion, seconded by Representative Aylward, to report HB2569 favorable as amended.

Representative Roy made a substitute motion, seconded by Representative Sprague, to retain the provision for a jury trial. The motion carried.

Representative Barr made a motion, seconded by Representative Eckert, to report the bill favorable for passage as further amended. The motion carried.

HB2202 - Natural gas regulation by KCC, when

Representative Walker made a motion, seconded by Representative Long, to introduce a substitute bill (See attachment B) and amend it by inserting "city" on new language on line 71 before "when" and after "means".

Representative Aylward made a substitute motion, seconded by Representative Sallee, to introduce the substitute bill except keep the language in lines 37-45. The motion lost.

Representative Sprague made a substitute motion, seconded by Representative Aylward, to amend the substitute bill by inserting on page 3, New Sec. 2(b) (2) after "(2)" "natural gas" in lieu of "all public" and by deleting "and common carriers"; and in subsection (c) after "(c)" inserting "natural gas" in lieu of "all public" and by deleting "and common carriers". The motion carried.

Representative Walker made a motion, seconded by Representative Barr, to report the substitute bill favorably as amended. The motion carried.

HB2571 - Delivery of liquor to private clubs by retailers

Representative Roy made a motion, seconded by Representative Hensley, to amend the bill by giving the ABC the authority to promulgate rules and regulations to control the delivery process. After committee discussion the motion was withdrawn.

The meeting was adjourned.



March 26, 1985

WHY MILK SHOULD BE THE OFFICIAL STATE DRINK FOR KANSAS

Kansas has no official state drink. We should have a state drink. Kansas has an economy based primarily on agriculture. The Kansas state drink should be an agricultural related drink produced in Kansas. There is only one product which can be considered to meet these requirements. That drink is MILK.

Milk is not just a drink. It is a wholesome, refreshing drink from which an entire basic food group is derived.

As a drink milk not only quenches the thirst, it also provides more of the nutrients needed by the body than any other food in its natural form. Milk is nature's most nearly perfect food. We have heard this statement for many years. It is still true today.

Food scientists have divided foods into four basic groups. This allows a person to choose from a wide variety of foods within each group and, as long as items from each group are included, be assured of a balanced diet.

Those groups are:

- 1) fruits and vegetables
- 2) cereals
- 3) meats
- 4) dairy

You can see there are many sources of foods from the first three groups. However, in the dairy group, all products start from milk.

Milk is a basic food group. Milk is a delicious drink. Milk is a healthy, wholesome drink. Milk is a family drink.

In view of the efforts to improve the image of the state by allowing liquor by the drink, today is a good time to send the signal to the rest of the world that liquor is not to be the official state drink of Kansas but that we do have a state drink and that drink is MILK.

3/27/85  
Attach. A

HOUSE BILL No. 2202

By Committee on Transportation

2-6

0018 AN ACT concerning natural gas; certain regulation by the state  
0019 corporation commission; amending K.S.A. 66-104 ~~and 66-131~~  
0020 and repealing the existing ~~section sections~~ \_\_\_\_\_ section

0021 *Be it enacted by the Legislature of the State of Kansas:*

0022 Section 1. K.S.A. 66-104 is hereby amended ~~to read as fol-~~ \_\_\_\_\_ (a)

0023 lows: 66-104. ~~The term "public utility," as used in this act, shall~~  
0024 be construed to mean every ~~cooperative~~ corporation, company,  
0025 individual, association of persons, their trustees, lessees or re-  
0026 ceivers, that now or hereafter may own, control, operate or  
0027 manage, except for private use; any equipment, plant or gen-  
0028 erating machinery, or any part thereof, for the transmission of  
0029 telephone messages or for the transmission of telegraph mes-  
0030 sages in or through any part of the state, or the conveyance of oil  
0031 and gas through pipelines in or through any part of the state,  
0032 except pipelines less than ~~fifteen (15)~~ 15 miles in length and not  
0033 operated in connection with or for the general commercial sup-  
0034 ply of gas or oil, or for the operation of any trolley lines, street,  
0035 electrical or motor railway doing business in any county in the  
0036 state; also all dining car companies doing business within the  
0037 state; ~~also all sellers and resellers and commissioned brokers of~~  
0038 ~~natural gas doing business within the state who do not own,~~  
0039 ~~control, operate or manage pipeline and distribution facilities,~~  
0040 ~~except for natural gas producers who sell to public utilities as~~  
0041 ~~herein defined or, who sell to customers not served by public~~  
0042 ~~utilities as herein defined or who sell by private contract to an~~  
0043 ~~end-use customer, and except for (1) the sale of natural gas for~~  
0044 ~~on farm use, or (2) the sale of natural gas through a farm tap~~  
0045 ~~granted pursuant to a right-of-way, and all companies for the~~

Atch. B  
3/27/85

0046 production, transmission, delivery or furnishing of heat, light,  
 0047 water or power. No cooperative, cooperative society, nonprofit or  
 0048 mutual corporation or association which is engaged solely in  
 0049 furnishing telephone service to subscribers from one telephone  
 0050 line without owning or operating its own separate central office  
 0051 facilities, shall be subject to the jurisdiction and control of the  
 0052 commission as provided herein, except that it shall not construct  
 0053 or extend its facilities across or beyond the territorial boundaries  
 0054 of any telephone company or cooperative without first obtaining  
 0055 approval of the commission. As used herein, the term "transmis-  
 0056 sion of telephone messages" shall include the transmission by  
 0057 wire or other means of any voice, data, signals or facsimile  
 0058 communications, including all such communications now in  
 0059 existence or as may be developed in the future.

0060 The term "public utility" shall also include that portion of \_\_\_\_\_ municipally owned  
 0061 every municipally owned ~~city owned~~ or operated electric or gas  
 0062 utility located outside of and more than three (3) miles from the \_\_\_\_\_ municipality  
 0063 corporate limits of such municipality ~~city~~, but nothing in this act  
 0064 shall apply to a municipally owned ~~city owned~~ or operated \_\_\_\_\_ municipally owned  
 0065 utility, or portion thereof, located within the corporate limits of  
 0066 such municipality ~~city~~ or located outside of such corporate limits \_\_\_\_\_ municipality  
 0067 but within three (3) miles thereof except as provided in K.S.A.  
 0068 66-131a ~~and amendments thereto.~~

0069 ~~"City," as used in this act, means a city incorporated and~~  
 0070 ~~operating under the constitution of Kansas or under the laws of~~  
 0071 ~~the state in which it is located.~~

0072 ~~Except as herein provided, the power and authority to control~~  
 0073 ~~and regulate all public utilities and common carriers currently~~  
 0074 ~~situated and operated wholly or principally within any city or~~  
 0075 ~~principally operated for the benefit of such city or its people on~~  
 0076 ~~the effective date of this act, and all public utilities and common~~  
 0077 ~~carriers that begin operation after the effective date of this act~~  
 0078 ~~wholly or principally within any city not being provided that~~  
 0079 ~~utility or common carrier service by a public utility subject to~~  
 0080 ~~the jurisdiction of the commission, shall be vested exclusively in~~  
 0081 ~~such city, subject only to the right to apply for relief to the~~  
 0082 ~~corporation commission as hereinafter provided in K.S.A. 66-~~

The term "municipally owned" means city-owned when applicable to  
 natural gas or to a natural gas utility. The term "municipality" means <sup>city</sup> when  
 applicable to natural gas or to a natural gas utility.

0083 ~~191a or 66-133 and to the provisions of K.S.A. 66-131a and~~  
 0084 ~~amendments thereto or section 2. All public utilities and com-~~  
 0085 ~~mon carriers that begin operation after the effective date of this~~  
 0086 ~~act wholly or principally within any city already being provided~~  
 0087 ~~similar service by a public utility subject to the jurisdiction of~~  
 0088 ~~the commission, shall be deemed to be a public utility as that~~  
 0089 ~~term is used in this section and, as such, shall be subject to the~~  
 0090 ~~jurisdiction of the commission. A transit system principally~~  
 0091 ~~engaged in rendering local transportation service in and be-~~  
 0092 ~~tween contiguous cities in this and another state by means of~~  
 0093 ~~street railway, trolley bus and motor bus lines, or any combina-~~  
 0094 ~~tion thereof, shall be deemed to be a public utility as that term is~~  
 0095 ~~used in this act and, as such, shall be subject to the jurisdiction of~~  
 0096 ~~the commission.~~

0097 "Commission," as used in this act, means the state corporation  
 0098 commission.

0099 New Sec. 2. All rights of a supplier of natural gas to provide  
 0100 distribution service in an area annexed by a city shall terminate  
 0101 180 days from the date of annexation, unless such natural gas  
 0102 supplier is then holding a valid franchise for services in such  
 0103 area granted by the annexing city. The 180-day period shall be  
 0104 extended to 210 days from the date of annexation if a franchise is  
 0105 granted to such natural gas supplier pursuant to referendum  
 0106 conducted according to applicable franchise laws of the state  
 0107 within the 210-day period.

0108 Sec. 3. K.S.A. 66-131 is hereby amended to read as follows:  
 0109 66-131. No common carrier or public utility, including that  
 0110 portion of any municipally owned city-owned utility defined as a  
 0111 public utility by K.S.A. 66-104 and amendments thereto, gov-  
 0112 erned by the provisions of this act, shall transact business in the  
 0113 state of Kansas until it shall have ~~has~~ obtained a certificate from  
 0114 the state corporation commission that public convenience will  
 0115 be promoted by the transaction of said ~~such~~ business and per-  
 0116 mitting said ~~the~~ applicants to transact the business of a common  
 0117 carrier or public utility in this state. In no event shall Such  
 0118 jurisdiction ~~shall not~~ authorize the corporation commission to  
 0119 review, consider or effect ~~affect~~ the facilities or rates charged for

(b) Except as herein provided, a city shall have the power and authority to control and regulate (1) all public utilities and common carriers which are situated and operated wholly or principally within any city or principally operated for the benefit of such city or its people, ~~shall be--vested--exclusively in--such--city,--subject-only~~ prior to the effective date of this act; and (2) all public utilities and common carriers that begin operation after the effective date of this act which are wholly or principally situated and operated within any city not being provided that utility or common carrier service by a public utility subject to the jurisdiction of the commission.

The power of a city to regulate utilities pursuant to this subsection shall be subject to the right to apply for relief to the corporation commission as hereinafter provided in K.S.A. 66-133 and--to--the-provisions-of-K.S.A., 66-131a and section 2, and amendments thereto.

(c) All public utilities and common carriers that begin operation after the effective date of this act which are wholly or principally situated and operated within any city already being provided similar service by a public utility or common carrier which is subject to the jurisdiction of the commission, shall be deemed to be a public utility and shall be subject to the jurisdiction of the state corporation commission. A transit system principally engaged in rendering local transportation service in and between contiguous cities in this and another state by means of street railway, trolley bus and motor bus lines, or any combination thereof, shall be deemed to be a public utility as-that-term-is-used-in-this-act and,--as-such, shall be subject to the jurisdiction of the commission.

0120 ~~services or in any way the operation of such municipally owned~~  
0121 ~~city-owned or operated electric or gas utility within the corporate~~  
0122 ~~limits or outside but within three (3) miles of the corporate limits~~  
0123 ~~of any city, or facilities; or rates charged for services or in any~~  
0124 ~~way the operation of facilities or their replacements now owned~~  
0125 ~~by any such utility except as provided in K.S.A. 66-131a and~~  
0126 ~~amendments thereto. No prescribed rates, orders or other regu-~~  
0127 ~~latory supervision of the corporation commission shall be con-~~  
0128 ~~trary to any lawful provision of any revenue bond ordinance~~  
0129 ~~authorizing the issuance of revenue bonds to finance all or any~~  
0130 ~~part of the municipally owned city-owned or operated electric or~~  
0131 ~~gas utility so subjected to the jurisdiction of the corporation~~  
0132 ~~commission. This section shall not apply to any common carrier~~  
0133 ~~or public utility governed by the provisions of this act now~~  
0134 ~~transacting business in this state; nor shall this section apply to~~  
0135 ~~the facilities and operations of any municipally owned city-~~  
0136 ~~owned or operated utility supplying electricity or gas outside of~~  
0137 ~~the corporate limits of any municipality city where such facilities~~  
0138 ~~and operations are in existence on the effective date of this act,~~  
0139 ~~but any extension of such facilities or any new facilities located~~  
0140 ~~outside of and more than three (3) miles from the municipality's~~  
0141 ~~city's corporate limits; shall be subject to the requirements of~~  
0142 ~~this section; nor shall this section apply to any municipally~~  
0143 ~~owned city-owned or operated electric or gas utility furnishing~~  
0144 ~~electricity or gas to a facility owned or jointly owned by such~~  
0145 ~~municipality city and located outside the corporate limits of such~~  
0146 ~~municipality city.~~

0147 Sec. 3 4. K.S.A. 66-104 is and 66-131 are hereby repealed. is

0148 Sec. 4 5. This act shall take effect and be in force from and

0149 after its publication in the Kansas register.