

Approved: March 23, 2004 Carl Dean Holmes
Date

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:07 a.m. on March 12, 2004 in Room 231-N of the Capitol.

All members were present except: Representative Eric Carter

Committee staff present: Mary Galligan, Legislative Research
Dennis Hodgins, Legislative Research
Mary Torrence, Revisor of Statutes
Jo Cook, Administrative Assistant

Conferees appearing before the committee: none

Others attending: See Attached List

SB 309 - Increasing certain penalties for public utilities or common carriers

Chairman Holmes opened the debate on **SB 309**.

Representative Krehbiel distributed and explained a proposed amendment (Attachment 1). Representative Krehbiel moved to adopt the amendment. Representative Sloan seconded the motion. The motion carried. Representative Ward moved to change, on the sixth line of the amendment, \$5,000 to \$20,000. Representative Dillmore seconded the motion. The motion carried. Representative Dillmore moved to restore the stricken language in Section 2 and add the same language from the Krehbiel amendment from Section 1. Representative Sloan seconded the motion. The motion carried. Representative Kassebaum moved to amend Section 2, relating to the fines, from \$1,000 to \$5,000 in subsection (1) and from \$5,000 to \$50,000 in subsection (2). Representative Dillmore seconded the motion. The motion carried. Representative Kuether moved to recommend SB 309, as amended, favorable for passage. Representative Reitz seconded the motion. The motion carried. Representative Kassebaum will carry the bill.

The meeting adjourned at 9:33.

The next meeting will be the tour of Jeffrey Energy Center on Monday, March 15.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: March 12, 2004

NAME	REPRESENTING
Tom Day	KCC
John Pinegar	SITA
Jim Garkner	SBC
D. S. Koch	SBC
Steve Johnson	Kansas Gas Service / ONEOK
Whitney Gamran	KS Gas Service / ONEOK
Dan Halburn	KEC
Tom Burgess	RTMC
Mark Schweiber	Westar Energy
Anne Spiess	KTIA
Bruce GRAHAM	KEPC
Amy Campbell	Midwest Energy Inc.

Krehbiel

SENATE BILL No. 309

By Committee on Utilities

1-15

10 AN ACT relating to the state corporation commission; concerning certain
11 penalties; amending K.S.A. 66-138 and 66-177 and repealing the ex-
12 isting sections section.
13

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

15 Section 1. K.S.A. 66-138 is hereby amended to read as follows: 66-
16 138. (a) If any common carrier or public utility governed by the provisions
17 of this act violates any of the provisions of this act, or shall do any act
18 herein prohibited, or fails or refuses to perform any duty enjoined upon
19 it in this act, or fails, neglects or refuses to obey any lawful requirement
20 or order made by the commission, or any final judgment or decree made
21 by any court upon appeal from any order of the commission, it shall, for
22 every such violation, failure or refusal, forfeit and pay to the state treas-
23 urer ~~a sum not less than \$100 and not more than \$1,000 \$20,000 \$5,000~~
24 ~~for such offense.~~ Upon receipt of any such sum, the state treasurer shall
25 credit the entire amount thereof to the public service regulation fund or
26 the motor carrier license fee fund, as the case requires.

27 Such forfeiture shall be enforced and collected by the attorney general
28 in any court of competent jurisdiction. The attorney general may appoint
29 a corporation commission attorney as a special assistant attorney general
30 for the purposes of enforcing and collecting any forfeiture contemplated
31 herein. In construing and enforcing the provisions of this act, any act,
32 omission or failure of any officer, agent or other person acting for or
33 employed by any such public utility or common carrier, while acting
34 within the scope of such person's employment, shall in every case be
35 deemed to be the act, omission or failure of such public utility or common
36 carrier and every day during which any such public utility or common
37 carrier or officer, agent or employee thereof, fails to comply with any
38 order or direction of the commission, or to perform any duty required or
39 enjoined by this act, shall constitute a separate and distinct violation of
40 the provisions of this act.

41 (b) The provisions of subsection (a). shall not apply to any motor
42 carrier.

43 Sec. 2. ~~K.S.A. 66-177 is hereby amended to read as follows: 66-177.~~

: (1) A sum not less than \$100 and not more than \$1,000 for such offense if the violator is a telecommunications public utility subject to traditional rate of return regulation; a telecommunications public utility described in K.S.A. 66-104a, and amendments thereto; a municipally owned and operated electric or natural gas public utility; an electric cooperative public utility; a water public utility; or a nonprofit public utility; and (2) a sum not less than \$100 and not more than \$5,000 for such offense if the violator is any other common carrier or public utility

HOUSE UTILITIES
DATE: 3-12-04
ATTACHMENT 1