

## SENATE BILL No. 214

By Committee on Federal and State Affairs

2-8

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1 AN ACT concerning public utilities; relating to electric, natural gas and  
2 water utilities; prohibiting recovery of dues, donations or contributions  
3 made to charitable and social organizations in customer rates; requiring  
4 the state corporation commission to disallow such expenditures in rate  
5 proceedings; amending K.S.A. 66-101f, 66-1,206 and 66-1,236 and  
6 repealing the existing sections.  
7

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

9 New Section 1. (a) No electric, natural gas or water public utility  
10 shall recover from any customer through rates and charges imposed by  
11 such utility any direct expenditure made on or after July 1, 2023, by such  
12 utility for dues, donations or contributions to any charitable or social  
13 organization or entity.

14 (b) As used in this section, "public utility" means any electric, natural  
15 gas or water public utility as defined in K.S.A. 66-104, and amendments  
16 thereto. "Public utility" includes any municipally owned electric, natural  
17 gas or water public utility and any electric or natural gas cooperative  
18 public utility whether or not owned by one or more such cooperatives.

19 Sec. 2. K.S.A. 66-101f is hereby amended to read as follows: 66-  
20 101f. (a) If, after investigation and hearing, the rates or rules and  
21 regulations of any electric public utility governed by this act are found  
22 unjust, unreasonable, unfair, unjustly discriminatory or unduly preferential,  
23 or in any way in violation of the provisions of this act, or of any of the  
24 laws of the state of Kansas, the commission shall have the power to  
25 establish; and order substituted therefor, such rates or rules and regulations  
26 as the commission determines to be just, reasonable and necessary. If it is  
27 found that any rule and regulation, practice or act, relating to any service  
28 performed or to be performed by such electric public utility for the public  
29 is in any respect unreasonable, unjust, unfair, unreasonably inefficient or  
30 insufficient, unjustly discriminatory or unduly preferential, or otherwise in  
31 violation of this act or of any of the laws of the state of Kansas, the  
32 commission may substitute therefor such other rules and regulations,  
33 practice, service or act as the commission determines to be just, reasonable  
34 and necessary. For the purposes of determining just and reasonable rates,  
35 the commission:

36 (1) May adopt a policy of disallowing a percentage, not to exceed

1 50%, of utility dues, donations and contributions to ~~charitable, trade and~~  
2 ~~civic and social~~ organizations and entities, ~~in addition to disallowing; and~~

3 (2) shall disallow any dues, donations and contributions made on or  
4 after July 1, 2023, to any charitable or social organization or entity  
5 pursuant to section 1, and amendments thereto, and shall disallow any  
6 other specific dues, donations and contributions ~~which that are found~~  
7 unreasonable or inappropriate.

8 (b) All orders and decisions of the commission whereby any rates,  
9 rules and regulations, practice or acts relating to any service performed or  
10 to be performed by any electric public utility for the public are altered,  
11 changed, modified or established shall be reduced to writing, and a copy  
12 thereof, duly certified, shall be served on the electric public utility affected  
13 thereby. Such order and decision shall become operative and effective  
14 within 30 days after such service. Such electric public utility, shall carry  
15 out the provisions of such order unless an action is commenced in a court  
16 of proper jurisdiction to set aside the findings, orders and decisions of the  
17 commission, or to review and correct ~~the same, shall carry the provisions~~  
18 ~~of such order into effect such findings, orders and decisions.~~

19 Sec. 3. K.S.A. 66-1,206 is hereby amended to read as follows: 66-  
20 1,206. (a) If, after investigation and hearing, the rates or rules and  
21 regulations of any natural gas public utility governed by this act are found  
22 unjust, unreasonable, unfair, unjustly discriminatory or unduly preferential,  
23 or in any way in violation of the provisions of this act, or of any of the  
24 laws of the state of Kansas, the commission shall have the power to  
25 establish, and to order substituted therefor, such rates or rules and  
26 regulations as the commission determines to be just, reasonable and  
27 necessary. If it is found that any regulation, practice or act, relating to any  
28 service performed or to be performed by such natural gas public utility for  
29 the public is in any respect unreasonable, unjust, unfair, unreasonably  
30 inefficient or insufficient, unjustly discriminatory or unduly preferential, or  
31 otherwise in violation of any of the provisions of this act or of any of the  
32 laws of the state of Kansas, the commission may substitute therefor such  
33 other regulations, practice, service or act as it determines to be just,  
34 reasonable and necessary. For the purposes of determining just and  
35 reasonable rates, the commission:

36 (1) May adopt a policy of disallowing a percentage, not to exceed  
37 50%, of utility dues, donations and contributions to ~~charitable, trade and~~  
38 ~~civic and social~~ organizations and entities, ~~in addition to disallowing; and~~

39 (2) shall disallow any dues, donations and contributions made on or  
40 after July 1, 2023, to any charitable or social organization or entity  
41 pursuant to section 1, and amendments thereto, and shall disallow any  
42 other specific dues, donations and contributions ~~which that are found~~  
43 unreasonable or inappropriate.

1 (b) All orders and decisions of the commission whereby any rates,  
 2 rules and regulations, practice or acts relating to any service performed or  
 3 to be performed by any natural gas public utility for the public are altered,  
 4 changed, modified or established shall be reduced to writing, and a copy  
 5 thereof, duly certified, shall be served on the natural gas public utility  
 6 affected thereby. Such order and decision shall become operative and  
 7 effective within 30 days after such service. Such natural gas public utility;  
 8 *shall carry out the provisions of such order* unless an action is commenced  
 9 in a court of proper jurisdiction to set aside the findings, orders and  
 10 decisions of the commission, or to review and correct ~~the same, shall carry~~  
 11 ~~the provisions of such order into effect~~ *such findings, orders and decisions.*

12 Sec. 4. K.S.A. 66-1,236 is hereby amended to read as follows: 66-  
 13 1,236. (a) If, upon such hearing and investigation, the rates, joint rates,  
 14 fares, tolls, charges, rules, regulations, classifications or schedules of any  
 15 miscellaneous public utility governed by this act are found unjust,  
 16 unreasonable, unfair, unjustly discriminatory or unduly preferential, or in  
 17 any way in violation of this act, or of any of the laws of the state of  
 18 Kansas, the commission shall have the power to fix and establish, and  
 19 order substituted therefor, such rates, joint rates, fares, tolls, charges, rules,  
 20 regulations, classifications or schedules as it shall determine to be just,  
 21 reasonable and necessary. If it is found that any regulation, practice or act,  
 22 relating to any service performed or to be performed by any  
 23 miscellaneous public utility for the public is in any respect unreasonable,  
 24 unjust, unfair, unreasonably inefficient or insufficient, unjustly  
 25 discriminatory or unduly preferential, or otherwise in violation of this act  
 26 or of any of the laws of the state of Kansas, the commission may substitute  
 27 therefor such other regulations, practice, service or act as it determines to  
 28 be just, reasonable and necessary. For the purposes of determining just and  
 29 reasonable rates, joint rates, tolls and charges, the commission:

30 (1) May adopt a policy of disallowing a percentage, not to exceed  
 31 50%, of utility dues, donations and contributions to ~~charitable, trade and~~  
 32 ~~civic and social~~ organizations and entities, ~~in addition to disallowing; and~~

33 (2) *shall disallow any dues, donations and contributions made on or*  
 34 *after July 1, 2023, to any charitable or social organization or entity*  
 35 *pursuant to section 1, and amendments thereto, and shall disallow any*  
 36 *other specific dues, donations and contributions* ~~which that are found~~  
 37 ~~unreasonable or inappropriate.~~

38 (b) All orders and decisions of the commission whereby any rates,  
 39 joint rates, fares, tolls, charges, rules, regulations, classifications,  
 40 schedules, practice or acts relating to any service performed or to be  
 41 performed by any miscellaneous public utility for the public are altered,  
 42 changed, modified, fixed or established shall be reduced to writing, and a  
 43 copy thereof, duly certified, shall be served on the miscellaneous public

1 utility affected thereby. Such order and decision shall become operative  
2 and effective within 30 days after such service. Such miscellaneous public  
3 utility, *shall carry out the provisions of such order* unless an action is  
4 commenced in a court of proper jurisdiction to set aside the findings,  
5 orders and decisions of the commission, or to review and correct ~~the same,~~  
6 ~~shall carry the provisions of such order into effect~~ *such findings, orders*  
7 *and decisions.*

8 Sec. 5. K.S.A. 66-101f, 66-1,206 and 66-1,236 are hereby repealed.

9 Sec. 6. This act shall take effect and be in force from and after its  
10 publication in the statute book.