

Comments of Tom Day
Kansas Corporation Commission
Before the
House Committee on Utilities and Telecommunications
House Bill 2138
February 13, 2013

Chair Seiwert and members of the Committee, I am Tom Day, Public Service Executive for the Kansas Corporation Commission. Today, I will provide comment on House Bill 2138, which would repeal several statutes listed below.

The Kansas Corporation Commission has suggested to the Office of the Repealer that these statutes should be repealed for several reasons. In general, the recommendation is made because the statutes are duplicative and/or obsolete. There does not appear to be any negative effect from repealing these statutes. They are simply old statutes whose purpose is no longer relevant.

1. K.S.A. 55-103, K.S.A. 55-104, and K.S.A. 55-105. These statutes were enacted in 1901 and prohibit “flambeau” lights, which are unenclosed gas torches used to light city streets before electrical lighting became common. The statutes also regulate “jumbo” lights, which are gas torches that are enclosed in a globe or lamp. Because flambeau and jumbo lights are no longer used, these statutes are obsolete. The statutes are also likely duplicative of public nuisance or safety laws that would prevent gas torches.
2. K.S.A. 55-106, K.S.A. 55-107, K.S.A. 55-108, and K.S.A. 55-109. These statutes prohibit interference with gas pipes, unauthorized connections to gas pipes, and setting fire to escaped gas. These statutes were enacted in 1901. The purpose behind the statutes remains valid; however, these statutes are duplicative. There are ample civil and criminal remedies to cover the actions described in these statutes, and they are duplicative of those civil and criminal remedies. Further, the criminal penalties of \$25 to \$100 are outdated.
3. K.S.A. 55-301, K.S.A. 55-302, K.S.A. 55-303, K.S.A. 55-304, K.S.A. 55-305, K.S.A. 55-306, K.S.A. 55-307, K.S.A. 55-308, K.S.A. 55-309, and K.S.A. 55-310. These statutes authorize counties to appoint, for two years, a county gas inspector to inspect gas wells, pipelines, and consumption. There has not been a county gas inspector appointed in any Kansas county for a long time, if ever. Further, these statutes are duplicative of the Commission’s jurisdiction over oil and gas production. It is noteworthy that the compensation of inspectors is specified as \$5 per day, and for deputy inspectors it is \$4 per day. The bond and fine specifications are similarly outdated. These statutes are outdated, obsolete, and duplicative.

If the Committee has questions, I would be happy to answer them.

Thank you.