

Approved: April 2, 2003 *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 February 19, 2003 in Room 526-S of the Capitol.

All members were present except: Representative Annie Kuether  
Representative Roger Toelkes

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

**HB 2131 - Update of energy efficiency standards for new commercial and industrial buildings**

A letter from Chris Wilson, Kansas Building Industry Association Director of Government Affairs, was distributed to the committee (Attachment 1).

Chairman Holmes opened the debate on **HB2131**.

Representative Myers moved to strike, in K.S.A. 66-1228, item number one and replace it with "Has been built to meet the energy efficiency standards of the International Energy Conservation Code 2003 or receives a Home Energy Rating score of 80 or greater when performed in accordance with the Mortgage Industry National Home Energy Rating System Accreditation Standard by a rater certified and listed by the Residential Energy Services Network (RESNET)" and in K.S.A. 66-1228 (a) the strike the work 'the buyer' and add the words 'prospective buyers, during contract negotiations, upon request.' Representative Reitz seconded the motion. Representative Sloan moved to divide, the Chairman ruled the question was divisible. On the first part, the motion carried. On the second part, the motion was withdrawn. Representative Myers moved to amend K.S.A. 66-1228 (b) to strike 'the buyer' and add 'prospective buyers, upon request or, at the latest, during contract negotiations,'. Representative Reitz seconded the motion, the motion carried.

Representative Sloan moved to strike the words on line 16 after the word 'the', to strike lines 17 and 18, and to strike on line 19 to the word 'is' and add 'International Energy Conservation Code 2003 (IECC 2003).' Representative Reitz seconded the motion. The motion carried.

Representative Dillmore moved to recommend **HB 2131**, as amended, favorable for passage. Representative Reitz seconded the motion. The motion carried. Representative Ward will carry the bill.

**HB 2186 - Rules and procedures for disconnecting residential customers' electric or gas utility service**

A letter from Tawny Stottlemire, Executive Director for the Kansas Association of Community Action Agencies, was distributed to the committee (Attachment 2).

Chairman Holmes opened the debate on **HB 2186**.

Representative Huy distributed a proposed amendment (Attachment 3). Representative Huy moved to adopt the amendment. Representative Kassebaum seconded the motion. The motion carried.

Representative P. Long moved to recommend **HB 2186**, as amended, favorable for passage. Representative Neighbor seconded the motion. The motion carried. Representative Reitz will carry the bill.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES, Room 526-S Statehouse, at 9:07 a.m. on February 19, 2003.

**HB 2280 - Requiring the recording of leases related to wind resources and technologies**

Chairman Holmes opened the debate on **HB 2280**.

Representative Sloan distributed a proposed amendment (Attachment 4). Representative Sloan moved to adopt the proposed amendment. Representative Ward seconded the motion and the motion carried. Representative Sloan moved to add the words 'memorandum of' to line 13 after the word 'any' and before the word 'lease'. The motion was seconded by Representative Carter and passed.

Representative M. Long moved to change the number of business days from two to five. Representative Krehbiel seconded the motion. The motion carried.

Representative Dillmore moved to recommend **HB 2280**, as amended, favorable for passage. Representative Reitz seconded the motion. The motion passed. Representative Sloan will carry the bill.

**HB 2374 - Procedures for recovery of public utilities' security costs**

Chairman Holmes opened the debate on **HB 2374**.

Representative Sloan moved to recommend **HB 2374**, with Revisor's technical amendments, favorable for passage. Representative Neighbor seconded the motion. The motion carried. Representative Krehbiel will carry the bill.

Chairman Holmes told the committee about the upcoming tours of Jeffrey Energy Center and the Sprint World Headquarters.

The meeting adjourned at 10:35 a.m.

The next meeting will be Monday, February 24, 2003 at 9:00 a.m.

# HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 19, 2003

NAME	REPRESENTING
Shirley Bramhall	Hunt Hills Breadbasket
Deborah Johnston	Junction City, Geary Health
Tame Richards	Worldnet
Gene Meyer	Kansas State University
MARK SCHREIBER	Westar Energy
Dane Holway	KEC
Steve Johnson	Kansas Gas Service
Paula Lertz	KCC
Tom Day	KCC
Jim Ploger	KCC



February 18, 2003

TO: House Utilities Committee

RE: HB 2131, concerning energy efficiency standards

KS Building Industry Association (KBIA) appreciates your interest in hearing from residential builders concerning the amendments proposed to HB 2131 by Bruce Snead, KSU College of Engineering. We had not testified on the bill because it did not include residential construction.

We would support the amendments with regard to 1) updating the year of the IECC standard to the new edition; and 2) allowing a builder to satisfy the statutory requirement with an energy rating. We do have a concern, however, with adding "prospective" to the statute regarding providing the information to prospective homebuyers, as opposed to the current requirement to provide it to the homebuyer. Our concern is not with providing the information prior to closing, but we are concerned with how that would be accomplished.

At a Wichita parade of homes tour, for example, 25,000 individuals will go through the homes. Are they prospective homebuyers? It would be a waste of paper to provide the information to everyone who tours a new home. We have also discussed the possibility of posting the energy efficiency information in the home. However, new homes are purchased at all stages of construction, so it wouldn't be workable to reach "prospective" homebuyers in that way, either.

Possible solutions:

1. Leave it the way it is. Builders provide the information to the homebuyer.
2. Include language in the statute that builders will provide the information to the homebuyer "prior to closing."
3. Include language in the statute that builders will provide the information to prospective homebuyers at the time of negotiations to purchase the home or at the commencement of negotiations.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Chris Wilson".

Chris Wilson  
KBIA Director of Government Affairs

*HOUSE UTILITIES*

DATE: 2-19-03

ATTACHMENT 1



# KACAP



837 NW Harrison, Topeka, KS 66608  
Ph (785) 234-0878 Fax (785) 234-1652  
[www.kacap.org](http://www.kacap.org)

**The Kansas Association of Community Action Agencies (KACAP) supports community action agencies and other human service networks in their local, state, and national efforts to end poverty.**

Chairman Carl Holmes  
Kansas House Utilities Committee

February 12, 2003

Chairman Holmes and Utilities Committee Members:

The network of community action agencies (CAAs) covering the state of Kansas is pleased to express our wholehearted support for the successful passage of House Bill 2186.

The eight CAAs in Kansas provide a variety of consumer and community-related services aimed at eliminating the causes and conditions of poverty. Community Action Agency Family Service Specialists and Outreach Coordinators work one-on-one, on a daily basis, with low-income Kansans struggling towards self-sufficiency. Our programs provide an integrated approach towards lifting Kansans from the grips of poverty, including a multi-faceted service delivery system and a high reliance on strong community-based partnerships.

KACAP and our member agencies firmly believe in the intent and purpose of the Kansas Cold Weather Rule and believe that the preservation of human safety must remain as a priority concern. Likewise, we fully understand the impact of unmanageable energy burdens on low-income families in our state. In a February, 2003 report prepared by the Public Finance and General Economics firm of Fisher, Sheehan and Colton (Massachusetts), entitled, "On The Brink: The Home Energy Affordability Gap in Kansas", it is estimated that Kansas faces a \$110 million dollar energy affordability gap, based on 2001/2002 heating fuel prices. Bringing those estimates forward to reflect 2002/2003 prices, the affordability gap increases to \$135 million. A survey of energy assistance recipients by the Iowa Department of Human Rights found that low-income households found a variety of ways to pay for unaffordable energy costs, including going without food or medical care, or incurred unmanageable debt – including borrowing funds to pay for their bills, or simply delaying the payment of the bills at all, in favor of other needs.

Unfortunately, the Kansas Cold Weather Rule, as it is currently constructed, has the regrettable consequence of encouraging consumers to incur an even further unmanageable debt. House Bill 2186 provides a measure of relief to that problem by limiting the number of times a consumer can default on a utility-approved pay agreement, and encouraging interaction between the consumer and helping agencies before the debt becomes completely unmanageable.

Kansas' Community Action Agencies support this realignment of the Cold Weather Rule as an important step towards a Kansas energy philosophy that fully recognizes the tremendous affordability gap in Kansas energy prices and the ability of low-income consumers to adequately meet and pay for their household energy needs. It is time our state stood behind the wisdom of prevention and early intervention strategies in all aspects of promoting social and economic equality.

Sincerely,

Tawny Stottlemire,  
Executive Director



Sue Wheatley  
John Hamlish



Richard Jackson  
Kenneth Woods



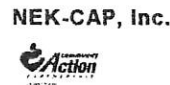
LaDora Jackson



Al Kayhill  
Dale Nippert



Dale Tower  
Charrica Osborne



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HOUSE UTILITIES

DATE: 2-19-03

ATTACHMENT 2



Hay



Amendment: HB 2186, Section 1(d) Pg 1, line 19

(d) "Electric public utility" means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, ~~under the jurisdiction of the state corporation commission~~ *unless exempted from the jurisdiction of the state corporation commission under K.S.A 66-104b, 66-104c, and 66-104d.*

HOUSE UTILITIES

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ATTACHMENT 3

HOUSE BILL No. 2280

By Committee on Agriculture

2-11

*Shan*

9 AN ACT concerning wind resources and technologies; requiring the re-  
10 cording of leases related thereto.

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

12 Section 1. Any lease involving wind resources and technologies to  
13 produce and generate electricity given on land situated in this state shall  
14 be recorded in the office of the register of deeds of the county in which  
15 the land is located.

16  
17 Sec. 2. This act shall take effect and be in force from and after its  
18 publication in the statute book.

| or easement

| by the lessor or grantee of the easement

| within two business days after the lease or easement agreement is executed

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ATTACHMENT 4