


Approved: April 29, 2005 
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 10, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Bonnie Huy - Excused
Representative Annie Kuether - Excused
Representative Judy Morrison - Excused

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 2043 - KDFEA authorized to issue bonds to finance broadband facilities where no broadband service is currently available

Chairman Holmes opened the debate on **HB 2043**. Representative Sloan distributed a balloon amendment (Attachment 1). Representative Sloan moved to adopt the balloon. Representative Jim Morrison seconded the motion. The motion failed. No further action was taken on the bill.

HB 2048 - Generation from renewable resources; requirements for state agency use

Chairman Holmes opened the debate on **HB 2048**. Representative Sloan distributed a balloon amendment (Attachment 2). Representative Sloan moved to adopt the balloon. Representative Hawk seconded the motion. The motion carried. Representative Carter moved to amend line 24, after 'electric service' to include 'plus \$.03 per kilowatt hour' and line 18 adding the words "thereto to the extent renewable Energy is available and the utility provider is willing to provide" and by striking subsection b, lines 31 through 34, with appropriate renumbering to follow. Representative Watkins seconded the motion. The motion failed. Representative Krehbiel moved to adopt technical changes as directed by the Revisor of Statutes. Representative Jim Morrison seconded the motion. The motion carried. Representative Mast moved to recommend **HB 2048**, as amended, favorable for passage. Representative Miller seconded the motion. The motion failed.

The meeting adjourned at 10:23 a.m.

The next meeting is Friday, February 11, 2005 at 9:00 a.m.

HOUSE UTILITIES COMMITTEE GUEST LIST

DATE: February 10, 2005

NAME	REPRESENTING
Ron Seeber	Heinlaw Firm
DAVE HOLTHAUS	KEC
Bruce GRAHAM	KEPCO
Dave Spryng	Carb
Mike Murray	Sprint - Topeka
STEVE JOHNSON	Kansas Gas Service
STEVE KEARNEY	KEARNEY & ASSOCIATES, INC.
JOHN C. BOTTENBERG	BOTTENBERG & Assoc.
D. S. Kuch	SBC
Debbie Vignatelli	SBC
Paul Snider	SBC
TOM DAY	KCC
Larry Holloway	KCC
Rebekah Gaston	Rep. Long
Kristina Hilboldt	Intern Rep. Watkins
Zach Coble	Intern Rep. Snowball
Lewis Kinsey	SRS
John Federico	KLTA
Tim Gygler	SBC
Andrea Braden	Great Plains Energy (KCP)

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1 8904, and amendments thereto, or others to lease or operate such resort.
2 The provisions of K.S.A. 32-867, 32-868, 32-870 through 32-873 and 32-
3 874a through 32-874d, and amendments thereto, shall apply to resorts
4 and bonds issued pursuant to this subsection.

5 (h) The authority may use the proceeds of any bond issues herein
6 authorized, together with any other available funds, for venture capital
7 investments or for purchasing, leasing, constructing, restoring, renovat-
8 ing, altering or repairing facilities as herein authorized, for making loans,
9 purchasing mortgages or security interests in loan participations and pay-
10 ing all incidental expenses therewith, paying expenses of authorizing and
11 issuing the bonds, paying interest on the bonds until revenues thereof are
12 available in sufficient amounts, purchasing bond insurance or other credit
13 enhancements on the bonds, and funding such reserves as the authority
14 deems necessary and desirable. All moneys received by the authority,
15 other than moneys received by virtue of an appropriation, are hereby
16 specifically declared to be cash funds, restricted in their use and to be
17 used solely as provided herein. No moneys of the authority other than
18 moneys received by appropriation shall be deposited with the state
19 treasurer.

20 (i) *The authority is hereby authorized and empowered to issue bonds*
21 *for the purpose of financing regional broadband technology facilities, in*
22 *cooperation with one or more political subdivisions or with one or more*
23 *political subdivisions in partnership with the private sector, in areas of*
24 *the state where no broadband service is currently available. Bonds issued*
25 *pursuant to this subsection shall be exempt from the provisions of sub-*
26 *section (a)(2).*

27 (j) Any time the authority is required to publish a notification pur-
28 suant to the tax equity and fiscal responsibility act of 1982, the authority
29 shall further publish such notification in the Kansas register and on the
30 Kansas development finance authority website.

31 (k) Any time the authority issues private activity bonds, as defined
32 in K.S.A. 74-5059, and amendments thereto, pursuant to this section, the
33 authority shall publish notification of such issuance at least 14 days prior
34 to any bond hearing in the official county newspaper of the county in
35 which the project or activity financed by such bonds are located and in
36 the Kansas register.

37 Sec. 2. K.S.A. 2004 Supp. 74-8905 is hereby repealed.

38 Sec. 3. This act shall take effect and be in force from and after its
39 publication in the statute book.

revenue

private sector providers

Revenue bonds, including refunding revenue bonds, issued pursuant to this subsection shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness. Such bonds

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adopted*

HOUSE BILL No. 2048

By Committee on Utilities

1-12

HOUSE UTILITIES

DATE: 2-10-05

ATTACHMENT 2

9 AN ACT concerning electricity generated from renewable resources or
10 technologies; placing certain requirements on certain state agencies
11 and certain electric service providers; ~~providing penalties for~~
12 ~~noncompliance.~~

tech amend

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. (a) On and after January 1, ~~2007~~, and before January 1,
16 2010, not less than 2.5% of the total amount of electricity consumed by
17 each state agency shall be generated from renewable energy resources or
18 technologies, as defined in K.S.A. 79-201, and amendments thereto. On
19 and after January 1, 2010, not less than 5% of the total amount of elec-
20 tricity consumed by each state agency shall be generated from such re-
21 sources or technologies. The requirements of this subsection shall apply
22 regardless of the ~~provider of the agency's electric service and the elec-~~
23 ~~tricity shall be provided at the provider's standard rates for electric serv-~~
24 ~~ice. The agency head, in the agency head's discretion, may determine~~
25 ~~that: (1) The requirements of this subsection shall apply to each facility~~
26 ~~under the control of such agency; or (2) such requirements shall apply to~~
27 ~~the aggregate consumption of all facilities under the control of such~~
28 ~~agency, with greater consumption attributable to some facilities under~~
29 ~~the control of such agency being offset by lesser consumption attributable~~
30 ~~to other facilities under the control of such agency.~~

2008

certificated

31 (b) If a state agency and its electric service provider are unable to
32 meet the requirements of subsection (a), the agency and utility may apply
33 to the state corporation commission for an extension of the date for com-
34 pliance by not more than 12 months.

In calculating demand, the agency head may ignore facilities with relatively insignificant electric loads.

35 (c) ~~Failure to comply with the requirements of this section shall render the state agency and the electric provider liable for civil fines assessed by the commission for each day of noncompliance.~~

36 ~~(d)~~ The provisions of this section shall not apply to any state agency
37 which is funded solely by user fees.

38 Sec. 2. This act shall take effect and be in force from and after its
39 publication in the statute book.
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