

Approved: April 29, 2005  
Date

*Carl Dean Holmes*

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Chairman Carl D. Holmes at 9:10 a.m. on March 22, 2005 in Room 231-N of the Capitol.

All members were present except: Representative Vaughn Flora - Excused  
Representative Bonnie Huy - Excused  
Representative Jason Watkins - Unexcused

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: Leo Haynos, Kansas Corporation Commission, Topeka, KS

Others attending: See Attached List

**HB 2530 - Natural gas service to consumer on gas gathering system; curtailment of service; corporation commission authority**

Chairman Holmes welcomed Leo Haynos, Supervisor of Natural Gas for the Kansas Corporation Commission, to the committee. Mr. Haynos responded to additional questions from the committee.

Chairman Holmes opened the debate on **HB 2530**. A copy of the Senate Committee Report on **SB 303**, which is a duplicate of **HB 2530**, was distributed to the committee (Attachment 1). An information sheet on hydrogen sulfide gas was provided to committee members (Attachment 2).

A balloon developed by the Revisor of Statutes' office showing all of the proposed amendments was distributed (Attachment 3).

Representative Mast moved to adopt the recommend change on line 22 and alternative #2 of the balloon. Representative Olson seconded the motion. The motion carried. Representative Sloan moved to add language on lines 34 and 35 that states 'the commission shall hold a hearing and issue any orders relating thereto within 30 days after receipt of such notice.' Representative Olson seconded the motion. The motion carried. Representative Sloan moved to strike all language on line 28 following the word 'disputes.' Representative Kuether seconded the motion. The motion carried. Representative Mast moved to recommend **HB 2530**, as amended, favorable for passage. Representative Svaty seconded the motion. The motion carried. Representative Mast will carry the bill.

Chairman Holmes asked the committee to be thinking of bill requests and briefings for next year. Representative Jim Morrison moved to introduce a committee bill for 2006 that dealt with net metering. Representative Kuether seconded the motion. The motion carried.

The meeting adjourned at 9:55 a.m.

# HOUSE UTILITIES COMMITTEE GUEST LIST

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NAME	REPRESENTING
Tom Day	KCC
LEO HAYNS	KCC
Lucas Bell	Kearney and Associates, Inc.
LARRY BEEG	MIDWEST ENERGY
Joe Dief	KCBPU
STEVE JOHNSON	ONEOK, Inc.
Kimberly Spencer	Aquila
Mike Rom	Ken Law Firm
Jack Graves	Duke - P-71 + KM
Ken Perusa	KS Petroleum Council

COPY

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on Utilities recommends SB 303 be amended on page 1, by striking all in line 36 and inserting "within 24 hours before curtailment, except that if the end use customer is a residential dwelling, service to the dwelling may be curtailed immediately upon a good faith belief by the person seeking the curtailment that an emergency exists. The person seeking curtailment under this provision, within 24 hours of the curtailment, shall report to the state corporation commission the basis for and evidence supporting the good faith belief that curtailment was necessary under the emergency provisions of this section. In the event that the curtailment of the residential dwelling was not based upon a good faith belief and unnecessary, as subsequently determined by the state corporation commission, the person requesting the curtailment shall be held responsible for the cost of the service curtailment, including any reconnection costs and temporary heating costs."; and the bill be passed as amended.

\_\_\_\_\_Chairperson

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ATTACHMENT 1

## More About Hydrogen Sulfide Gas

Hydrogen sulfide gas occurs naturally in crude petroleum, natural gas, volcanic gases, and hot springs. It can also result from bacterial breakdown of organic matter. It is also produced by human and animal wastes. Hydrogen sulfide (H<sub>2</sub>S) gas can also result from industrial activities. H<sub>2</sub>S is a flammable, colorless gas with a characteristic odor of rotten eggs. It is commonly known as hydro sulfuric acid, sewer gas, and stink damp. People can smell it at low levels.

What happens to hydrogen sulfide when it enters the environment?

- Hydrogen sulfide is released primarily as a gas and spreads in the air.
- Hydrogen sulfide remains in the atmosphere for about 18 hours.
- When released as a gas, it will change into sulfur dioxide and sulfuric acid.

How might I be exposed to hydrogen sulfide?

- You may be exposed to H<sub>2</sub>S from breathing contaminated air or drinking contaminated water.
- Individuals living near a wastewater treatment plant, a gas and oil drilling operation, a farm with manure storage or livestock confinement facilities, or a landfill may be exposed to higher levels of H<sub>2</sub>S.
- You can be exposed at work if you work in the petroleum, natural gas, or wastewater treatment industries. Workers on farms with manure storage pits or landfills can be exposed to higher levels of H<sub>2</sub>S.
- A small amount of H<sub>2</sub>S is produced by bacteria in your mouth and digestive system.

**How can H<sub>2</sub>S affect my health?** Exposure to low concentrations of hydrogen sulfide may cause irritation to the eyes, nose, or throat. It may also cause difficulty in breathing for some asthmatics. **Brief exposures to high concentrations of hydrogen sulfide (greater than 500 parts per million) can cause a loss of consciousness and possibly death.** In most cases, the person appears to regain consciousness without any other effects. However, there may be permanent or long-term effects such as headaches, poor attention span, poor memory, and poor motor function.

No health effects have been found in humans exposed to typical environmental concentrations of hydrogen sulfide (0.00011-0.00033 ppm). Scientists have no reports of

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ATTACHMENT 2

people poisoned by ingesting hydrogen sulfide. Pigs that ate feed containing hydrogen sulfide experienced diarrhea for a few days and lost weight after about 105 days.

**Is there a medical test to show whether I've been exposed to H<sub>2</sub>S?** Hydrogen sulfide can be measured in exhaled air, but samples must be taken within two hours after exposure to be useful. A more reliable test to determine if you have been exposed to hydrogen sulfide is the measurement of thiosulfate levels in urine. This test must be done within 12 hours of exposure. Both tests require special equipment, which is not routinely available in a doctor's office. Samples can be sent to a special laboratory for the tests. These tests can tell whether you have been exposed to H<sub>2</sub>S, but they can not determine exactly how much H<sub>2</sub>S you have been exposed to or whether harmful effects will occur.

**Has the federal government made recommendations to protect human health?** The Occupational Safety and Health Administration (OSHA) has set an acceptable ceiling limit for hydrogen sulfide of 20 parts hydrogen sulfide per 1 million parts of air (20 ppm) in the workplace. The National Institute for Occupational Safety and Health (NIOSH) recommends a 10-minute ceiling limit of 10 ppm in the workplace.

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2-2

HOUSE BILL No. 2530

By Committee on Appropriations

3-17

9 AN ACT concerning natural gas; relating to curtailment of service to
10 certain consumers; prescribing procedures related thereto; amending
11 K.S.A. 66-105a and repealing the existing section.

12 Be it enacted by the Legislature of the State of Kansas:

13 Section 1. K.S.A. 66-105a is hereby amended to read as follows: 66-
14 105a. On and after July 1, 1997, the term "public utility" as used in K.S.A.
15 66-104, and amendments thereto, and the term "common carriers" as
16 used in K.S.A. 66-105, and amendments thereto, shall not include any
17 gas gathering system, as defined in K.S.A. 55-150, and amendments
18 thereto.

19 (b) Notwithstanding the provisions of subsection (a), for those persons
20 providing gas gathering services in such a manner that allows end use
21 customers to obtain natural gas from a gathering system, the commission
22 shall have authority, upon complaint or petition or upon its own motion,
23 to determine the reasonableness of, and regulate and supervise, any cur-
24 tailment or proposed curtailment of natural gas that results in the loss of
25 service to the end use customer. However, the commission's authority shall
26 not extend to curtailments arising from contractual disputes between the
27 owner or operator of the gathering system and the end use customer.

by direct connection to

28 (c) Any person providing gas gathering services in such a manner
29 that allows the offering of natural gas from a gas gathering system to an
30 end use customer shall give notice thereof to the commission and to each
31 affected end use customer and public utility of its intent to curtail service
32 that will result in the loss of natural gas service to the end use customer.
33 Except in the case of an emergency, notice shall be provided 30 days prior
34 to such curtailment. In the case of an emergency, notice shall be provided
35 not less than 24 hours before curtailment.

36 (d) Nothing contained in subsections (b) and (c) shall be construed to
37 diminish any authority vested in the commission prior to the effective
38 date of this act.

39 Sec. 2. K.S.A. 66-105a is hereby repealed.

40 Sec. 3. This act shall take effect and be in force from and after its
41 publication in the Kansas register.

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ATTACHMENT 3

Alternative #1
not later than 24 hours after the determination that an emergency exists

Alternative #2
within 24 hours before curtailment, except that service to a residential dwelling may be curtailed immediately if the person seeking the curtailment in good faith believes that an emergency exists. The person seeking immediate curtailment of service to a residential dwelling, within 24 hours of the curtailment, shall report to the state corporation commission the basis for and evidence supporting the good faith belief that immediate curtailment was necessary. If the curtailment of service to a residential dwelling was not based upon a good faith belief and was unnecessary, as subsequently determined by the state corporation commission, the person requesting the curtailment shall be held responsible for the cost of the service curtailment, including any reconnection costs and temporary heating costs

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Attachment 3