

Helen Hands  
509 W. 14<sup>th</sup> St.  
Hays, KS 67601

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Dear Members of the Senate Committee on Utilities:

I am writing to urge you to oppose Senate Bill 24, otherwise known as the Kansas Energy Choice Act. While the proponents' name for this bill sounds benign, this bill would infringe on the home rule powers of cities, counties, or other local units of government.

Kansas cities and counties have long enacted building codes or other such regulations to protect public health, safety, and the environment. These regulations are developed through a democratic process, so that those for and against have the opportunity to make their views heard. Senate Bill 24 would prohibit cities and counties from enacting any codes or regulations to protect human health if they regulated the source of energy a person received from a public utility, a clear violation of home rule powers. According to the Kansas Legislative Research Department, "The Kansas Supreme Court reaffirmed in 2004 that cities have broad home rule powers granted directly by the people of the State of Kansas and that the constitutional home rule powers of cities shall be liberally construed to give cities the largest possible measure of self government." (<http://www.kslegresearch.org/KLRD-web/Publications/2015Briefs/2015/P-1-HomeRule.pdf>)

Some of you may ask, how could energy supplied by a public utility be a danger to human health, safety, or the environment and why would a local government want to regulate it? The energy source in question is natural gas, which is known to be a danger to human health. According to the Environmental Protection Agency (EPA), homes with properly-vented gas stoves have carbon monoxide (CO) levels (5-15 ppm) about 3 times higher than those with electric stoves (0.5-5ppm), while homes with improperly-vented gas stoves have CO levels even higher (>30ppm). CO levels below 70 ppm are not a problem for healthy people, but they are for those with heart disease (<https://tinyurl.com/y6k57qnd>).

Homes with gas stoves have nitrous oxide (NO<sub>2</sub>) levels 50-400% higher than homes without, often higher than outdoor EPA air quality standards (<https://rmi.org/insight/gas-stoves-pollution-health/>). Such high levels of NO<sub>2</sub> can lead to asthma in children and exacerbate asthma in adults. The effects of elevated NO<sub>2</sub> levels impact children the most, especially those in low-income families.

Thus, there are good public-health reasons for cities and counties to regulate the source of energy people receive from public utilities, if they so desire. Some of you may then ask, will such regulations lead to higher energy costs or higher costs to build new homes and other buildings? The answer depends on the energy source. Levelized cost of electricity from wind and utility-scale solar is lower than for natural gas, coal, and nuclear (<https://www.lazard.com/perspective/levelized-cost-of-energy-and-levelized-cost-of-storage-2020/>). As for new construction, a recent study by the Rocky Mountain Institute found, "In every city we analyzed, a new all-electric, single-family home is less expensive than a new mixed-fuel home that relies on gas for cooking, space heating, and water heating." (<https://rmi.org/all-electric-new-homes-a-win-for-the-climate-and-the-economy/>).

In summary, I urge you to oppose Senate Bill 24 because it violates the home rule powers of local units of governments and would prevent them enacting science-based regulations, which could reduce energy costs for their constituents.

Thank you for considering my views.

Helen Hands