

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on January 17, 2007 in Room 241-N of the Capitol.

All members were present except:

Vern Swanson- excused  
Tom Sloan- excused  
Margaret Long- excused  
Tom Hawk, excused

Committee staff present:

Mary Galligan, Kansas Legislative Research  
Dennis Hodgins, Kansas Legislative Research  
Mary Torrence, Revisor's Office  
Jason Long, Revisor's Office  
Renaë Hansen, Committee Assistant

Conferees appearing before the committee:

Bruce Snead, State Extension Specialist in Residential Energy  
Trudi Aron and Bradly Nies, American Architects  
Larry Dolci, KCPL/Westar/KEPCo  
Sandie Bayless, Westar  
Larry Dolci, KCPL  
Whitney Damron, Empire District Electric  
Dave Holthaus, KS Elec Cooperatives  
Captain Darrell Haynes, Wichita Police Dept.  
Detective Aaron Harrison, Wichita Police Dept.  
Jeff Westeman, Triumph Structure-Wichita  
Randy Downing, Scrap Dealers

Others attending:

See attached list.

Hearing on:

**HB 2036:**     **Thermal efficiency standard for new buildings.**

Proponents:

Bruce Snead, (Attachment 1) , presented testimony in support of **HB 2036** with recommendations for amendments that would improve the bill.

Amendments address the disclosure form and its contents and comments, updating the disclosure form to reflect the code changes that have occurred. Home buyers would then have an appropriate basis for buying a home. He presented three versions of amendments. (Attachments 2,3, &4)

Trudy Aron introduced Bradley Nies, AIA LEED, (Attachment 5), who presented testimony that supported this bill with amendments that would help further the energy efficiency and help to save precious resources.

The high performance standards they are requesting are going above and beyond what this bill asks for. Included was supporting documentation of results of other states who have gone to these more stringent standards and how they improved efficiency and saved energy using the standards for a more high performance building. While this bill is an important change for the energy code they feel Kansas should be more stringent to help with other natural resources.

Questions were asked by Representatives: Tom Moxley, Don Myers,

Hearing was closed on **HB 2036**.

CONTINUATION SHEET

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Hearing on:

**HB 2034:**     **Removal of sunset provision of public utility recovery of security expenditures.**

Proponents:

Larry Dolci, (Attachment 6), representing, KCPL, Westar Energy , and KEPCo, spoke in support of **HB 2034** that would remove the sunset on a bill that would help with recovering costs associated with security measures for nuclear power plants.

Questions were asked by: Representative Tom Moxley, Josh Svaty, Bill Light, and Terry McLachlan.

Chair Holmes gave background information on **HB 2034** noting the intent of the original bill was to keep the facilities investment in security from the public record so that potential terrorists would have no access to the information to determine the most vulnerable plant based on costs spent on security.

Hearing was closed on **HB 2034.**

Hearing on:

**HB 2035:**     **Registration of copper of aluminum obtained by purchase or trade.**

Sandie Bayless, Westar, Senior facilities security representative ( Attachment 7), spoke in support of **HB 2035.** Theft of copper is a threat to the power supply and creates outages.

Larry Dolci, KCP&L, (Attachment 8), spoke in favor of **HB 2035**, noting some specific incidences of metal thefts in Kansas and told of deaths nation wide that happened during these thefts. KCP&L reported 50 thefts or attempted thefts in 2006.

Whitney Damron, The Empire District Electric Company, (Attachment 9), spoke in favor of **HB 2035** and included media releases about the issue that have been released.

Dave Holthaus, Kansas Electric Cooperatives, (Attachment 10), spoke in favor of **HB 2035**, and included examples from managers in the cooperative groups who gave cited incidences in their individual division areas.

Captain Darrell Haynes, Wichita Police Department, (Attachment 11), presented testimony in favor of **HB 2035**, giving specific examples of what the theft of these metals involve, noting that primarily these thieves are trying to get quick money for methamphetamine and crack cocaine. Theft of air conditioner wires is monumental and occurs in off season time. The Wichita Police Department suggests one way to change this theft is that the sellers have a valid EPA refrigerant handlers license. The thieves are involved in rings of theft that travel the whole nation with some of them being located in Wichita. There is an ongoing investigation into the false identities that are being used for the sales. They are in agreement with the "right thumb print" provision but feel in cases of loss of digits that an order of fingerprints should be included in the statute.

Detective Aaron Harrison continued with testimony that was included with Captain Haynes testimony. (Attachment 11). He spent time covering some of the specific problems in Wichita. About \$100,000 dollar loss of metals in the aerospace industry happens yearly. Titanium, nickle and tungsten and their alloys need to be included in this bill. He also spoke on problems to the railroads from loss of scrap metal, noting that when the railroad shuts down because of this problem it costs the railroad roughly \$115,000 an hour.

Jeff Westeman, Triumph Structures-Wichita, (Attachment 12), spoke in support of **HB 2035**, and gave information on the problem in the aerospace industry. Included in the testimony, was a picture of one of the thieves who was caught on security camera. The company he represents is asking for inclusion in this bill of the aerospace industry.

## CONTINUATION SHEET

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### Written Proponents:

Ed Klumpp, Chief of Police/ retired, Topeka, Kansas, (Attachment 13), submitted written testimony to the committee in support of **HB 2035**.

### Opponents:

Randy Downing, Scrap Dealers, (Attachment 14), spoke against **HB 2035**, noting the extra costs to the individual scrap metal dealers if this bill should pass. The cost of holding materials on site is significant for them. They do not have the space to hold that much metal or have the administrative overhead to keep up with the demands in this bill.

Questions were asked and comments made by: Representatives Peggy Mast, Judy Morrison, Don Myers, Bill Light, Oletha Faust-Goudou, Carl Holmes, and Josh Svaty.

It was noted that the actual biometric thumb print identifier is extremely important to identifying the thieves as they are using manufactured illegal identification.

Chairman Holmes asked the scrap metals industries to offer some sort of legislation that would be workable for the problem.

Hearing Closed on **HB 2035**.

Rep Vaughn Flora moved to request a bill that would require a 2 year moratorium on coal fired plants in Kansas. During this two year period , Post Audit would be directed to conduct an audit studying the effects of coal fired plants on the usage and depletion of Kansas water, including the emissions of Carbon Dioxide and Mercury. Before more plants are built, we must determine the long term health impact to Kansans. This bill would also calculate the cost to residents living near construction sites or plants, a factor that will effect the livelihood of thousands of Kansans. Second Peggy Mast. Motion Carried.

The next meeting is scheduled for January 18, 2007.

Meeting Adjourned.