

As Amended by House Committee

Session of 2006

HOUSE BILL No. 2642

By Committee on Environment
(By request of Select Joint Committee on Energy)

1-18

11 AN ACT concerning energy; enacting the Kansas energy policy act; es-
12 tablishing the energy policy advisory group and prescribing the powers
13 and duties thereof; amending K.S.A. 74-616 and repealing the existing
14 section.

15

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

17 New Section 1. Sections 1 through 4, and amendments thereto, may
18 be cited as the Kansas energy policy act.

19 New Sec. 2. (a) There is hereby established the energy policy advi-
20 sory group, which shall be composed of:

21 (1) The following members appointed by the governor: (A) An energy
22 economist affiliated with a state educational institution under the super-
23 vision of the state board of regents; (B) three representatives of busi-
24 nesses which consume fuel in production of their products; (C) one rep-
25 resentative of renewable energy producers and ~~two~~ **three** representatives
26 of other energy producers; (D) ~~three~~ **two** representatives of the energy
27 consuming general public; (E) two representatives of agricultural inter-
28 ests, one representing commodity producers and one energy consumers;
29 (F) one representative of energy conservation and efficiency interests;
30 (G) one representative of a refinery located in Kansas; (H) a tax specialist
31 knowledgeable in federal and state energy tax matters; (I) one represen-
32 tative of environmental advocacy groups; and (J) two representatives of
33 energy production, consumption, conservation or efficiency interests not
34 otherwise represented by members of the advisory group; and

35 (2) the following nonvoting members ex officio: (A) ~~Three~~ **Two** mem-
36 bers of the house of representatives who have substantial knowledge of
37 energy, agriculture or business development, ~~two~~ **one** to be appointed by
38 the speaker of the house of representatives and one by the minority leader
39 of the house of representatives; (B) ~~three~~ **two** members of the senate
40 who have substantial knowledge of energy, agriculture or business de-
41 velopment, ~~two~~ **one** to be appointed by the president of the senate and
42 one by the minority leader of the senate; (C) the secretary of commerce;
43 (D) the secretary of ~~administration~~ **transportation**; (E) the secretary of

1 agriculture; (F) the state geologist; **and** (G) the chairperson of the state
 2 corporation commission; ~~and (H) the consumer counsel of the citizens'~~
 3 ~~utility ratepayer board~~ **or the chairperson's designee.**

4 (b) Of the members of the advisory group first appointed by the gov-
 5 ernor, the governor shall designate nine to serve terms of four years and
 6 nine to serve terms of two years. Thereafter, such members shall serve
 7 for terms of four years. Any vacancy in the term of a member appointed
 8 by the governor shall be filled for the remainder of the unexpired term
 9 by the governor's appointment of a person with the same qualifications.

10 (c) The governor shall designate annually a voting member of the
 11 advisory group to serve as chairperson.

12 (d) The advisory group shall hold such meetings as in its judgment
 13 may be necessary for the performance of its powers, duties and functions.
 14 Any member of the advisory group who does not otherwise receive com-
 15 pensation and expenses for the member's service on the advisory group
 16 shall receive compensation, subsistence allowances, mileage and other
 17 expenses as provided in K.S.A. 75-3223, and amendments thereto, for
 18 each day of attendance at a meeting of the advisory group or a subcom-
 19 mittee meeting thereof authorized by the advisory group.

20 **(e) Establishment of the advisory group shall be effective Jan-**
 21 **uary 1, 2007.**

22 New Sec. 3. (a) Within the limits of appropriations therefor, the adv-
 23 isory group shall employ an executive director ~~who shall be in the un-~~
 24 ~~classified service under the Kansas civil service act,~~ **subject to approval**
 25 **by the governor,** and one clerical and ~~two research staff members who~~
 26 ~~shall be in the classified~~ **one research staff member, who may be an**
 27 **educator. Such employees shall be in the unclassified** service under
 28 the Kansas civil service act.

29 (b) The advisory group may appoint technical advisory committees to
 30 study and advise the advisory group as the advisory group requires. Any
 31 member of such a technical advisory committee who does not otherwise
 32 receive compensation and expenses for the member's service on the tech-
 33 nical advisory committee shall receive compensation, subsistence allow-
 34 ances, mileage and other expenses as provided in K.S.A. 75-3223, and
 35 amendments thereto.

36 (c) All budgeting, purchasing and related management functions of
 37 the advisory group shall be administered under the direction and super-
 38 vision of the ~~advisory group~~ **state corporation commission.** All vouchers
 39 for expenditures from appropriations made for the use of the advisory
 40 group shall be approved by the chairperson **of the state corporation**
 41 **commission** or a person or persons designated by the chairperson for
 42 such purpose.

43 (d) The state corporation commission shall provide ~~such~~ administra-

1 tive assistance and office space as ~~required by the advisory group and the~~
 2 ~~advisory group shall reimburse the commission for the costs thereof~~
 3 **needed to support the advisory group staff.**

4 New Sec. 4. (a) The energy policy advisory group shall:

5 (1) Develop and update annually a state energy plan which recom-
 6 mends to the governor, legislature and general public policies regarding
 7 energy production, consumption and sales for a period of not less than
 8 five years into the future; and

9 (2) submit annually to the legislature and the governor a written ~~re-~~
 10 **port plan** and recommendations regarding public policies to address both
 11 short-term and long-term opportunities to produce more energy, diversify
 12 the supply of energy both for consumption within the state and for export
 13 outside the state and provide a stable supply of energy in the most cost
 14 effective manner.

15 (b) ~~The energy advisory policy group shall direct its staff to:~~

16 ~~(1) Coordinate existing and create new databases as necessary to: (A)~~
 17 ~~Identify and predict trends in energy consumption by Kansans in such a~~
 18 ~~manner as will facilitate the making of public policy recommendations~~
 19 ~~which will reduce energy costs, conserve resources and benefit the resi-~~
 20 ~~dential, agricultural, commercial and industrial sectors of the population;~~
 21 ~~and (B) identify~~ **executive director shall propose and the energy**
 22 **policy advisory group shall approve an annual work plan to:**

23 (1) **Identify** and analyze energy production patterns in such manner
 24 as will facilitate the making of public policy recommendations which will
 25 increase energy production levels from existing Kansas sources, extend
 26 the life of such existing production resources and develop alternative rev-
 27 enue and energy options for the time when production from existing
 28 energy supplies is no longer financially feasible;

29 (2) determine what energy infrastructure changes may be needed in
 30 Kansas, as indicated by fuel and engine research of manufacturers of
 31 automobiles, trucks, farm equipment and stationary and small engines;

32 (3) identify potential opportunities, beneficial to Kansans, for part-
 33 nerships between energy production and consumption industries and fac-
 34 ulty at state educational institutions under the supervision of the state
 35 board of regents;

36 (4) review actions taken by legislatures and governors in other states
 37 to identify for energy ideas that can be built upon to expand economic
 38 opportunities for Kansas businesses and consumers;

39 (5) identify and recommend to the advisory group cutting edge en-
 40 ergy production, sources and conservation opportunities which will best
 41 position Kansans to make wise energy choices and economically produce
 42 energy to meet the needs of the state, region and nation; and

43 (6) research and perform such other functions as appropriate to the

1 duties of the advisory group.

2 (c) The energy policy advisory group may:

3 (1) Seek and accept grants and other financial assistance that the fed-
4 eral government and other public or private sources make available and
5 utilize the same for the purposes of the advisory group; and

6 (2) contract with public agencies or with qualified private persons or
7 ~~agencies~~ **organizations** to accomplish the purposes of the advisory
8 group.

9 **(d) Plans, reports or recommendations of any nature adopted**
10 **by the energy policy advisory group shall be considered advice to**
11 **the governor and legislature and shall not be construed as official**
12 **policy, position or interpretation of laws or rules and regulations**
13 **by the state corporation commission, nor shall the commission be**
14 **bound in any manner to consider any such advice when conducting**
15 **the commission’s advisory and regulatory responsibilities.**

16 Sec. 5. K.S.A. 74-616 is hereby amended to read as follows: 74-616.
17 In addition to other powers and duties provided by law, in administering
18 the provisions of this act the state corporation commission shall:

19 (a) Adopt rules and regulations necessary for the administration of
20 this act;

21 ~~(b) develop a comprehensive state energy conservation plan and the~~
22 ~~procedures for implementing the plan according to federal requirements;~~

23 ~~—(c)~~ **(b) coordinate existing and create new databases as neces-**
24 **sary to identify and predict trends in energy consumption by Kan-**
25 **sans in such a manner as will facilitate the making of public policy**
26 **recommendations which will reduce energy costs, conserve re-**
27 **sources and benefit the residential, agricultural, commercial and**
28 **industrial sectors of the population;**

29 (c) make requests for and accept funds and other assistance from
30 federal agencies for energy conservation and other energy-related activ-
31 ities in this state, including, but not limited to, the state energy conser-
32 vation program; **and** the energy extension service program ~~and the insti-~~
33 ~~tutional building conservation program;~~

34 ~~(d)~~ ~~(e)~~ **(d)** administer federal energy conservation programs in this
35 state;

36 ~~(e)~~ ~~(d)~~ collect and compile necessary data on energy resources and
37 monitor energy resources supplies in this state;

38 ~~—(f)~~ ~~(e)~~ prepare an energy resources emergency management plan for
39 adoption during any energy resources emergency proclaimed to exist by
40 the governor under K.S.A. 74-610, and amendments thereto, which plan
41 shall include the system of priorities for energy resources allocation and
42 curtailment of energy resources consumption established under K.S.A.
43 74-620, and amendments thereto;

- 1 ~~(g)~~ **(f) (e) seek and accept grants and other financial assistance**
- 2 **which the federal government and other public or private sources**
- 3 **make available and utilize the same for the purposes of the advisory**
- 4 **group;**
- 5 **(f) contract with public agencies or with qualified private persons**
- 6 **or organizations to accomplish the purposes of the advisory**
- 7 **group;**
- 8 **(g) cooperate in the implementation of any ~~emergency energy rationing program~~ energy resources emergency management plan or**
- 9 **program** which may be imposed by the federal government or any
- 10 agency thereof;
- 11 ~~(h) (g) prepare and have available for public inspection an annual~~
- 12 ~~report which describes the energy resources emergency management~~
- 13 ~~program; and~~
- 14 ~~(i) (h) make and enter into all contracts and agreements and do all~~
- 15 ~~other acts and things necessary or incidental to the performance of functions~~
- 16 ~~and duties and the execution of powers under this act.~~
- 17 ~~Sec. 6. K.S.A. 74-616 is hereby repealed.~~
- 18 ~~Sec. 7. This act shall take effect and be in force from and after its~~
- 19 ~~publication in the statute book.~~
- 20