



**Testimony of Natural Resources Defense Council
In Opposition to Senate Bill 24**

House Energy & Utilities Committee

March 16, 2021

The Natural Resources Defense Council (NRDC) has been working to advance energy policy across the county for over 50 years. NRDC has nearly 7,000 Kansas members. We have focused our involvement in Kansas mostly around supporting energy efficiency and securitization.

NRDC opposes Senate Bill 24 because it is an overreaction to issues far away from Kansas. Senate Bill 24 goes far beyond the announced goal of ensuring natural gas (or other fuels) cannot be prohibited and needs to be more targeted to avoid unintended consequences.

Attached is an amendment, supported by several organizations, that if adopted would remove NRDC's opposition and better align the bill with what appears to be the proponent's goals.

The amendment has three parts:

- The first part of the amendment adds the words "or unreasonably." The intent is to not subject cities to litigation for inconsequential actions.
- The second part removes the overly broad phrase "or has the effect thereof."
- The third part, new (d), adds: "Nothing in this act shall infringe any municipality from setting new performance standards for efficiency, emissions, and health and safety as it relates to energy use in new or existing buildings." This addition protects the normal planning and adoption of building codes that has gone on for decades in Kansas.

We urge the committee to adopt these amendments to improve the bill. Without adoption, NRDC urges the committee to not advance SB 24.

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As Amended by Senate Committee

Session of 2021

SENATE BILL No. 24

By Committee on Utilities

1-13

1 AN ACT concerning municipalities; prohibiting any requirements that
2 impact a customer's use of energy; relating to ~~public utilities~~ **natural**
3 **gas utility service**; creating the Kansas energy choice act.
4

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

6 Section 1. (a) As used in this section:
7 (1) "Municipality" means any county, city, township or other political
8 or taxing subdivision thereof, or any board, bureau, commission,
9 committee, department, division or other agency thereof.

10 (2) "~~Public-Utility~~ **service**" means ~~any the retail provision of~~ natural
11 ~~gas or electric public utility as defined in K.S.A. 66-104, and amendments~~
12 ~~thereto.~~

13 (b) A municipality shall not impose any ordinance, resolution, code,
14 rule, provision, standard, permit, plan or any other binding action that
15 prohibits, discriminates against, restricts, limits, impairs, ~~or has the effect~~
16 ~~thereof,~~ an end use customer's use of a public utility based upon the source
17 of energy to be delivered to such customer **service**.

18 (c) *This section shall not be construed to restrict the ability of a*
19 *municipality to limit an end use customer's use of a utility service if the*
20 *end use customer is such municipality.*

21 (d) This section shall be known and may be cited as the Kansas
22 energy choice act.

23 Sec. 2. This act shall take effect and be in force from and after its
24 publication in the ~~statute book~~ **Kansas register**.

Delete comma after "prohibits"; add "or unreasonably"

Delete

(d) Nothing in this act shall infringe any municipality from setting new performance standards for efficiency, emissions, and health and safety as it relates to energy use in new or existing buildings.