

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 19, 2011, in Room 785 of the Docking State Office Building.

All members were present except:

Representative Nile Dillmore-excused  
Representative Stan Frownfelter-excused  
Representative Annie Kuether-excused  
Representative Tom Sloan-excused

Committee staff present:

Matt Sterling, Office of the Revisor of Statutes  
Cindy Lash, Kansas Legislative Research Department  
Corey Carnahan, Kansas Legislative Research Department  
Renaë Hansen, Committee Assistant

Conferees appearing before the Committee:

Tom Gross, KDHE  
Steve Swather, Farm Bureau  
Mike Beam, KLA

Others attending:

Thirty one including the attached list.

Informational hearing on:

Kansas Flint Hills Smoke Management Advisory Committee

Tom Gross, KDHE, ([Attachment 1](#)), spoke to the committee on the Flint Hills Smoke Management Plan. He gave a background on how this committee came to be and the presentations they have given to legislative committees. Mr. Gross talked about what happens when air quality standards are exceeded. Additionally, he spoke about the plan that they use to monitor the air quality in the state of Kansas. He noted that they are working with K-State on developing a web page that will keep the interested parties updated on the days that are good to burn and those that are not as desirable. Much of that desirability is due to the direction the wind is moving. Mr. Gross walked through the plan step by step and chapter by chapter. Finally, he gave information to the committee on how the plan would be implemented.

Steve Swaffer, Farm Bureau, ([Attachment 2](#)), offered testimony explaining their involvement in the planning process for the Smoke Management plan. He also noted how they will be involved in the plan when it is finally implemented. He noted their biggest role is to be educational.

Mike Beam, KLA, ([Attachment 3](#)), spoke to the committee on how the Kansas Livestock Association was involved in the planning process. He noted that since 2003, KLA has had conversations with officials from the KDHE and federal EPA about the air quality impact that can result from the burning of the Flint Hills on certain days. He noted the process of creating the plan helped both sides become aware of each others issues concerning the burning and its impacts on air quality.

Questions were asked and comments made by Representatives: Carl Holmes, Vern Swanson, Joe Seiwert, Forrest Knox, Reynaldo Mesa, and Greg Smith.

Mr. Gross, KDHE, tied together the burning issue with the entire EPA air quality issue and how that ties into energy issues. He noted that the bad air quality is a result of one third-background problem, one third-air-transfer, and one third- locally produced.

Update On:

2006 Energy Act

Corey Mohn, Kansas Department of Commerce, ([Attachment 4](#)), spoke to the committee on the 2006 Energy Development Act and how that impacts commerce in Kansas. He noted that many of the incentives that are available now for energy industries were initiated and created in the 2006-2007 House

## CONTINUATION SHEET

The minutes of the House Energy and Utilities Committee at 9:00 A.M. on January 19, 2011, in Room 785 of the Docking State Office Building.

Energy and Utilities committee.

Mary Tucker, Kansas Department of Commerce, spoke about the specific utilizers of the tax credits and how they have impacted the Kansas economy.

Questions were asked and comments made by Representatives: Don Hineman, Forrest Knox, Carl Holmes, and Vern Swanson.

Staff Briefing on:

Interim Committee:

Joint Committee on Energy and Environmental Policy

Cindy Lash, Kansas Legislative Research Department. (Attachment 5), spoke to the committee on the basic charge of the Joint Committee on Energy and Environmental Policy. She explained to the committee the specifics of what the committee focused on in 2010. She gave details from the joint committee on their topics of: EPA Tailoring Rule, EPA Transport Rule, Kansas Flint Hills Smoke Management Plan, Water Supply in Kansas, Groundwater Supply Status and Availability, Surface Water Supply Status and Availability, Impact of Water on Energy Generation, Public Water Supply Solutions, Irrigation and Water in Agriculture, Update on Statutory Exception for Abandonment of Water Rights, Creating a Conservation Use Water Right, Groundwater Management District Permitting, Federal Stimulus Funding of Energy and Weatherization, and Deepwater Horizon Impact. She spoke of the committees conclusions and recommendations.

Questions were asked and comments made by Representatives: Carl Holmes, Forrest Knox, Reynaldo Mesa, and Vern Swanson.

Representative Vern Swanson moved to introduce a joint resolution of the Kansas House and Senate to be sent to Congress registering concern over section 316(b) of the Clean Water Act and be co-addressed to the EPA Region 7 Administrator. Seconded by Representative Reynaldo Mesa. Motion passed unanimously.

The next meeting is scheduled for January 20, 2011.

The meeting was adjourned at 10:12 A.M.