

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 A.M. on February 8, 2011, in Room 785 of the Docking State Office Building.

All members were present except:

- Representative Stephen Alford-excused
- Representative Phil Hermanson-excused
- Representative Joe Seiwert-excused
- Representative Mike Slattery-excused

Committee staff present:

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

Conferees Appearing Before the Committee:

- Paul Sadler, Wind Coalition
- Jason, Fizell, Kansas Land Trust

Others Attending:

Thirty-Seven including the attached list.

Representative Richard Proehl introduced his shadow, Mariah Day from Aldamont, Kansas.

Hearing on:

**HB 2141-Concerning property; requiring wind and solar agreements to run with surface estate.**

Matt Sterling (Attachment 1) gave a brief explanation of **HB 2141**.

Neutral:

Paul Sadler, Executive Director of Wind Coalition, spoke on **HB 2141** from a neutral position in that they do not want to state a position on property rights in Kansas although they are in support of the legislation.

Neutral Written Testimony:

- NextEra, (Attachment 3)
- Southwest Kansas Royalty Owners Association (Attachment 4)

Opponents:

Jason Fizell, Executive Director, Kansas Land Trust, (Attachment 5) spoke in opposition to **HB 2141** because they believe the bill would have unintended consequences.

Written Opponents:

Patrick Hughes, Tallgrass Ranchers, (Attachment 6), offered written testimony in opposition to **HB 2141**.

Questions were asked and comments made by Representatives: Stan Frownfelter, Annie Kuether, Tom Sloan, Don Hineman, Carl Holmes, and Vern Swanson.

Carol McDowell and Kimberly Gencur-Svaty helped to answer questions posed by the committee.

Representative Carl Holmes gave some background into why he proposed this bill.

The hearing on **HB 2141** was closed.

## CONTINUATION SHEET

The minutes of the House Energy and Utilities Committee at 9:00 A.M. on February 8, 2011, in Room 785 of the Docking State Office Building.

Informational hearing on:

**RICE (Reciprocating Internal Combustion Engine) NESHAP (National Emission Standards for Hazardous Air Pollutants) Municipal Generation Project Update.**

Colin Hansen, Executive Director of KMU, (Attachment 7) presented information on the RICE NESHAP rule. His testimony included an explanation of acronyms. Additionally, he talked about the background for this rule. His testimony focused on the effects of the rule for municipal utilities. Mr. Hansen presented a couple of case studies in Kansas and how those communities are being affected by the RICE rule. Mr. Hansen also spoke to the committee on a generation plant update for the municipalities. He noted that there would be 365 Megawatt of growth of load between 2010 and 2029. His charts showed how with their current production they would be short of needed power and spent time talking about how they would work to rectify those deficiencies.

Questions were asked and comments made by Representatives: Nile Dillmore, Annie Kuether, Tom Sloan, and Carl Holmes.

Mr. Darrell Dorsey, BPU and Mr. Bob Poehling, Kansas Municipal Energy Agency, also helped answer committee questions.

Representative Carl Holmes spoke about the rolling black out incident in Texas during the February 2 and 3, 2011 snow storm that hit most of the country.

The next meeting is scheduled for February 9, 2011.

The meeting was adjourned at 10:09 A.M.