

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Vice Chair Forrest Knox at 9:00 A.M. on February 11, 2011, in Room 785 of the Docking State Office Building.

All members were present except:

Representative Phil Hermanson-excused
Representative Tom Sloan-excused

Committee staff present:

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

Conferees Appearing Before the Committee:

Tom Day-KCC
John McCannon-KCC
Eric Nordling, SW Kansas Royalty Owners

Others Attending:

Twenty-three including the attached list.

Hearing on:

HB 2164-Concerning Property: relating to ownership of pore space.

Matt Sterling, Office of the Revisor of Statutes, (Attachment 1) gave an explanation to the committee on **HB 2164**.

Questions were asked and comments made by Representatives: Don Schroeder, and Don Hineman.

Proponents:

Tom Day, KCC, gave an introduction of the KCC presenter.

John McCannon, KCC, (Attachment 2) offered testimony in support of **HB 2164**. Mr. McCannon gave the committee some definitions of pore space and specifically the way that Kansas has not yet defined that terminology.

Questions were asked and comments made by Representative Annie Kuether.

Neutral:

Erick Nordling, SW Kansas Royalty Owners, (Attachment 3) spoke about **HB 2164** from a neutral standpoint. He spent time explaining legally what the owner of land owns, "from the heavens to the depths". Included with his testimony is a number of attachments:

- Department of Transportation, Michigan v. Michael Goike et al. (Attachment 4)
- James Ellis and Wand Lou Ellis v. Arkansas Louisiana Gas Company (Attachment 5)
- Article on Carbon capture and storage in South Dakota, South Dakota Law Review (Attachment 6)
- Article on Land & Water Law Division: Geologic CO2 sequestration: Who owns the pore space (Attachment 7)
- West Wyoming Statutes annotated, (Attachment 8)

Questions were asked and comments made by Representatives: Annie Kuether, Vern Swanson, Carl Holmes, Forrest Knox, and Stephen Alford.

CONTINUATION SHEET

The minutes of the House Energy and Utilities Committee at 9:00 A.M. on February 11, 2011, in Room 785 of the Docking State Office Building.

Representative Carl Holmes spent time explaining the genesis of **HB 2164** and why it is necessary to give a definition of pore space to the State of Kansas. He also explained some key points of the bill.

Mr. Doug Lewis, KCC, and Rex Buchanon, Kansas Geological Survey, helped answer questions brought forth by the committee. Mr. Buchanon helped explain some of the recent projects that dealt with pore space.

The hearing on was closed on **HB 2164**.

Other information was passed to committee that had been asked for in previous meetings:

- KCC, information regarding the purpose of the Kansas Broadband Advisory Task Force, (Attachment 9)
- KSA 79-34, 160-164 explanation, (Attachment 10)
- Kansas Qualified Agricultural Ethyl Alcohol Production Incentive Payments for 1988 – present, (Attachment 11)

The next meeting is scheduled for February 15, 2011.

The meeting was adjourned at 10:00 A.M.