

MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairman Pat Apple at 1:30 p.m. on March 9, 2011, in Room 548-S of the State Capitol.

All members were present except:  
Senator Emler, excused

Committee staff present:

Matt Sterling, Assistant Revisor of Statutes  
Mary Torrence, Revisor of Statutes  
Cindy Lash, Kansas Legislative Research Department  
Heather O'Hara, Kansas Legislative Research Department  
Ann McMorris, Committee Assistant

Conferees appearing before the Committee:

Jason Fizell, Kansas Land Trust  
Kimberly Svaty, Wind Coalition  
Tom Day, Kansas Corporation Commission  
Wes Ashton,, Black Hills Energy  
Paul Ling, Kansas City Power & Light Co.

Others attending: See attached list.

Approval of Minutes

Moved by Senator Bruce, seconded by Senator Masterson, to approve the minutes of the meetings of the Senate Utilities Committee held on February 21, 22, 23, 24, March 2 and 3, 2011. Motion carried.

Chair opened the hearing on:

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

Matt Sterling, Assistant Revisor of Statutes, briefed the committee on the intent of **HB 2141**.  
(Attachment 1)

Proponent:

Jason Fizell, Executive Director, Kansas Land Trust (KLT), stated KLT supports the bill as amended by the House Energy & Utilities Committee to clarify that conservation easements are not affected by **HB 2141**. (Attachment 2)

Neutral:

Kimberly Svaty, representing The Wind Coalition, testified that The Wind Coalition takes a neutral, yet supportive position on **HB 2141**. (Attachment 3)

Written testimony was provided by Erik Nordling, Southwest Royalty Owners Association.  
(Attachment 4)

Chair closed the hearing on **HB 2141**.

Chair opened the hearing on:

**HB 2267 – Utilities; electric supply and demand reports**

Matt Sterling, Assistant Revisor of Statutes, briefed the committee on the intent of **HB 2267**.  
(Attachment 5)

Proponent

Tom Day, Kansas Corporation Commission, reported on the requirements stated in **HB 2267** that KCC issue a report on electric supply and demand for all electric utilities in Kansas biennially beginning February 1, 2013. (Attachment 6)

Chair closed the hearing on **HB 2267**.

CONTINUATION SHEET

Minutes of the Senate Utilities Committee at 1:30 p.m. on March 9, 2011, in Room 548-S of the Capitol.

Chair opened the hearing on:

**HCR 5009 – Urging the EPA to develop regulations that minimize adverse impacts**

Matt Sterling, Assistant Revisor of Statutes, briefed the committee on the intent of the **HCR 5009**. (Attachment 7)

Proponent

Paul Ling, Kansas City Power & Light, spoke on behalf of KCPL, Westar Energy, and the Kansas Power Cooperative, in favor of the goal of **HCR 5009** to urge the U.S. Environmental Protection Agency (EPA) to adopt a flexible rule allowing consideration of site-specific factors to avoid the unnecessary installation of cooling towers at all existing electric generating plants that currently use once-through cooling. (Attachment 8)

Chair closed the hearing on **HCR 5009**.

Chair opened the hearing on:

**SB 224 – Gas safety and reliability surcharge; extension of deadline for rate schedule**

Matt Sterling, Assistant Revisor of Statutes, briefed the committee on the intent of **SB 224**. (Attachment 9)

Proponent

Wes Ashton, Black Hills Energy, spoke in support of **SB 224** on behalf of Atmos Energy, Black Hills Energy and Kansas Gas Service, a division of ONEOK. (Attachment 10)

Written testimony was submitted by David Springe, Citizens' Utility Ratepayer Board. (Attachment 11)

Chair closed the hearing on **SB 224**.

Chair asked for action from the committee on bills heard.

Moved by Senator Kultala, seconded by Senator Petersen, to move **SB 224** out favorably. Motion carried.

Moved by Senator Taddiken, seconded by Senator Masterson, to move **HCR 5009** out favorably. Motion carried.

The meeting was adjourned at 2:00 p.m.

Respectfully submitted,  
Ann McMorris, Committee Assistant

Attachments - 11