

MINUTES OF THE HOUSE COMMITTEE ON UTILITIES.

The meeting was called to order by Vice-Chairman Carl Krehbiel at 9:08 a.m. on February 23, 2004 in Room 231-N of the Capitol.

All members were present except: Representative Eric Carter
Representative Mary Compton
Representative Nile Dillmore
Representative Carl Holmes
Representative Jim Ward

Committee staff present: Mary Galligan, Legislative Research
Jo Cook, Administrative Assistant

Conferees appearing before the committee: Donna Johnson, Pinnacle Technology
Pat Hughes, Tallgrass Ranchers
Representative Peggy Long-Mast
Pete Ferrell
Roger Zimmerman
Jennifer States, JW Windpower
Martin Peck
Trudy Aron, American Institute of Architects of Kansas
Brad Beecher, Empire Electric
Elizabeth Hendrix
James Perkins
Jay Barnes, Kansas Natural Resource Council
Scott Schneider, Kansas Wind Coalition
John Hund
Rose Bacon
Michael Stubbs
Deborah Devine
Larry Patton

Others attending: See Attached List

HB 2799 - Moratorium on wind turbine development in the Flint Hills region

Vice Chairman Krehbiel opened the informational hearing on **HB 2799**. He told the committee and others attending that, considering the number of people wishing to speak, each speaker would be limited to approximately 5 minutes so that everyone who wished to speak would be able to and to allow for questions.

Donna Johnson, President of Pinnacle Technology, Inc., addressed the committee on **HB 2799** ([Attachment 1](#)). Ms. Johnson told the committee that there were many developers looking at land in the Flint Hills, but only those with signed power purchase agreements will actually develop their projects. She also stated that there would be only about 150 to 200 turbines in the entire Flint Hill region.

Mr. Pat Hughes, representing the consortium Tallgrass Ranchers, shared a power point presentation ([Attachment 2](#)) addressing several aspects of **HB 2799**. Mr. Hughes explained why the Flint Hills are an important resource for tourism and maintaining a nationally recognized treasure. He also shared why the group believes wind turbines in the Flint Hills are inappropriate and what damage could be caused by their placement. Included with Mr. Hughes' testimony is a map delineating the ecoregions of Nebraska and Kansas.

Representative Peggy Long-Mast, sponsor of **HB 2799**, thanked the committee for their attention to the issue of wind energy ([Attachment 3](#)). Representative Long-Mast stated she was thankful for the opportunity to educate the committee on a significant issue that could effect both the economy and the beauty of the Flint Hills.

CONTINUATION SHEET

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Pete Ferrell, Beaumont, Kansas, shared comments about wind energy ([Attachment 4](#)). Mr. Ferrell told the committee that his family had been on the same land since 1888 and had been using wind energy since 1940. He said that he had first been approached about a commercial wind farm on his ranch in 1994. He shared his beliefs on how the economics and ecology of wind energy will effect his family's future.

Roger Zimmerman, Alta Vista, Kansas, addressed the committee on **HB 2799** ([Attachment 5](#)). Mr. Zimmerman told the committee that the bill is not fair to the land owner that wants to allow wind turbines on their property. He said that land owners do not need more regulations, laws and hardships placed on them. Mr. Zimmerman lives in Wabaunsee County, where there is currently a moratorium in place.

Jennifer States, Managing Director for J. W. Prairie Wind Power LLC, spoke on **HB 2799** ([Attachment 6](#)). Ms. States said that there are many counties that have decided to enact zoning regulations and many are continuing to make decisions to deal with this issue. She told the committee that Kansas needs a progressive policy that works to move wind energy development forward. More proposals will delay the opportunities, making them more difficult and even impossible. Ms. States included in her testimony a 'Frequently Asked Questions About Wind Energy' flyer.

Martin Peck, Cambridge, Kansas, appeared on **HB 2799** ([Attachment 7](#)). Mr. Peck told the committee that the bill was bad for the environment, bad for commerce, bad for the tax base, and bad for property rights.

Trudy Aron, Executive Director for the American Institute of Architects Kansas, testified on **HB 2799** ([Attachment 8](#)). Ms. Aron stated that they believed it is shortsighted and irresponsible to ban wind turbine development in the state. She also said that renewable sources of energy will allow us to cut our increasing dependence on foreign and domestic fossil fuels.

Brad Beecher, Vice President of Energy Supply for the Empire District Electric Company, spoke about **HB 2799** ([Attachment 9](#)). Mr. Beecher told the committee that they did not believe a moratorium on wind projects was in the best interest of Kansas consumers nor the best use of Kansas resources.

Ms. Elizabeth Hendrix, Elk County resident, told the committee she was opposed to the moratorium proposed in **HB 2799** ([Attachment 10](#)). Ms. Hendrix said that wind turbine development in Elk County could mean substantial economic growth, higher paying jobs that would attract a younger, more educational workforce, and provide added income to agricultural producers.

James Perkins, Howard, Kansas, shared information about his family's farming and ranching operation ([Attachment 11](#)). He explained that they have leased over 5,000 acres for testing of potential wind turbine placement. Mr. Perkins stated that wind is one of our greatest renewable natural resources and those who want the towers should be allowed to take advantage of that potential.

Jay Barnes, Executive Director of the Kansas Natural Resource Council, testified on **HB 2799** ([Attachment 12](#)). Mr. Barnes told the committee that the Council has recently passed a resolution called for statewide siting requirements for industrial wind farms that do not allow placement in certain areas of the state, including the Flint Hills. He stated that the resolution was presented to the Governor's Wind and Prairie Task Force.

Scott Schneider, appearing on behalf of the Kansas Wind Coalition, shared their concerns on **HB 2799** ([Attachment 13](#)). Mr. Schneider told the committee that the Flint Hills are under no immediate threat of being overrun by wind energy projects and that opponents to wind energy are saying they are entitled to a wind turbine free view thereby asking for protection of what is called a 'viewscape.'

Several of the speakers responded to questions from the committee.

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There being sufficient time, Vice Chairman Krehbiel opened the floor for additional speakers.

John Hund, Rose Bacon, and Michael Stubbs, all members of the Tallgrass Ranchers Coalition, addressed the committee. Additionally, Deborah Divine, on behalf of Kansas Scenic Byways Program, and Larry Patton spoke to the committee.

Vice Chairman Krehbiel closed the informational hearing on **HB 2799**.

The meeting adjourned at 10:56 a.m.

The next meeting will be Tuesday, February 24, 2004.