

## MINUTES OF THE SENATE UTILITIES COMMITTEE

The meeting was called to order by Chairperson Robert Olson at 1:32pm on Thursday, February 19, 2015, 548-S of the Capitol.

All members were present

Committee staff present:

Heather O'Hara, Legislative Research Department

Natalie Nelson, Legislative Research Department

Michael Welton, Kansas Legislative Committee Assistant

Matt Sterling, Office of Revisor of Statutes

Conferees appearing before the Committee:

No conferees present

Others in attendance:

[See Attached List](#)

Senator Olson welcomed attendees and open the committee meeting.

### **Hearing on: SB170 — Reliable, affordable and safe power act.**

Senator Olson opened the hearing and called on Matt Sterling for a Revisor of Statutes overview on the bill )

[\(Attachment #1\)](#) .

Senator Olson called on proponent Rodger Woods to present testimony representing Americans for Prosperity [\(Attachment #2\)](#). Mr. Woods referenced a map from the Heritage Foundation on the possible impact of (Environmental Protection Agency) EPA regulation on manufacturing jobs [\(Attachment #3\)](#).

Senator Olson called on proponent Matthew Larson to present testimony representing Wilkinson Barker Knauer LLP [\(Attachment #4\)](#) .

In response to questions and comments from Senators Hawk and Francisco the proponent presenters made the following points:

- 1.) An estimated ten other states do have similar legislation requiring either legislative and/or committee over-site of this process.
- 2.) Details regarding time lines, milestones and any associated penalties are yet to be determined.
- 3.) Agencies would be allowed to work concurrently on their respective tasks. If committee did not approve any part of the plan it is assumed that the agencies would adjust plan to gain approval.

Senator Olson called on opponent Rabbi Moti Rieber to present testimony representing Kansans for Clean Energy [\(Attachment #5\)](#).

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Senator Olson called on opponent Phil Wages to present testimony representing Kansas Electric Power Corporation ([Attachment #6](#)).

Senator Olson called on opponent Brad Lovelace representing Westar, KCP&L and Empire District Power ([Attachment #7](#)).

Senator Olson called opponent Colin Hansen representing Kansas Municipal Utilities ([Attachment #8](#)).

In response to questions and comments from Senators Francisco and Powell opponent presenters made the following points:

- 1.) Providing a deadline was missed it would need to be determined whether the state was negligent or whether the state prudent with honest disagreements to requirements.
- 2.) Any consequences regarding deadlines have not been specifically defined.

Senator Olson called on neutral Jeff McClanahan representing the Kansas Corporation Commission (KCC) ([Attachment #9](#)).

Senator Olson called on neutral Tom Gross representing the Kansas Department of Health and Environment (KDHE) ([Attachment #10](#)).

In response to questions and comments by Senators Knox, Francisco, Petersen and Olson the neutral presenters made the following points:

- 1.) The one year deadline is not sufficient time to adequately develop plans.
- 2.) Neither KDHE or KCC has the authority to propose a plan on building block number four.
- 3.) It is not understood how much influence state agencies might have should there be a need for a federal implementation plan (FIP).

Written only testimony:

Proponent Mike O'Neal representing the Kansas Chamber ([Attachment #11](#)).

Opponent Joe Dick representing BPU ([Attachment #12](#)).

Opponent Wayne Penrod representing Sunflower Electric Power Corporation ([Attachment #13](#)).

CONTINUATION SHEET

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Seeing no further questions, comments or testimony Senator Olson closed the hearing.

**Possible action on bills previously heard**

There was no action taken on bills previously heard.

Seeing no further questions or comments Senator Olson adjourned the meeting at 2:30pm. The next meeting is scheduled for February 24, 2015.