

SESSION OF 2011

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2141

As Amended by House Committee on
Energy and Utilities

Brief*

HB 2141 would amend current law concerning conveyance of real estate. The bill would allow only the surface owner of a tract of land to use the land to produce wind or solar generated energy, unless the owner has entered into a lease or easement for those rights for a definite period. The requirement would not apply to leases filed before July 1, 2011. In addition, the requirement would not affect any otherwise enforceable restriction on the use of the land for production of wind or solar energy, nor would it prohibit conservation easements.

The bill also would require any conveyance for solar resources to include the same types of information that must be included in a instrument conveying interest in wind resources.

Background

Representative Carl Holmes explained that the intent of the bill was to ensure that, unlike mineral rights, wind and solar rights could not be permanently severed from a tract of land. He cited the detrimental effect that permanent severance of wind and solar rights could have on agricultural use of the land.

NextEra Energy Resources, LLC, the developer of Gray County Wind Farm, submitted written testimony in support of the bill.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

A representative of the Wind Coalition provided neutral testimony on the bill.

A representative of the Kansas Land Trust spoke in opposition to the introduced version of the bill, expressing concerns that it could be broadly interpreted to prohibit conservation easements on land. Tallgrass Ranchers submitted written testimony expressing similar concerns. Written testimony submitted on behalf of the Southwest Kansas Royalty Owners Association expressed concerns that the bill would remove landowners' ability to freely transfer rights associated with their land.

The House Committee on Energy and Utilities amended the bill to clarify that it would not prohibit conservation easements.

The fiscal note prepared by the Division of the Budget indicates the bill would have no fiscal effect on the Kansas Corporation Commission, local governments, or other groups.