

MINUTES OF THE HOUSE ENERGY AND UTILITIES COMMITTEE

The meeting was called to order by Chairman Carl Holmes at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

All members were present.

Committee staff present:

Melissa Doeblin, Office of the Revisor of Statutes  
Mary Torrence, Office of the Revisor of Statutes  
Mary Galligan, Kansas Legislative Research Department  
Cindy Lash, Kansas Legislative Research Department  
Rena Hansen, Committee Assistant

Conferees appearing before the committee: None

Others attending:

Thirty-nine including the attached list.

**Energy Emissions Issues.**

Action on:

**HB 2016 - Establishing limits for mercury, nitrogen oxide and sulfur dioxide from certain emissions units.**

Representative Tom Moxley reported to the committee, (Attachment 1), the Emissions Issues sub-committee report on **HB 2016.**

Representative Tom Moxley moved to accept the subcommittee report on **HB 2016.** Seconded by Representative Annie Kuether. Motion carried.

Action on:

**HB 2033 - Requiring utilities to become members of the climate registry.**

Representative Tom Moxley reported to the committee, (Attachment 1), the Emissions Issues sub-committee report on **HB 2033**

Representative Tom Moxley moved to accept the subcommittee report on **HB 2033.** Seconded by Representative Vince Wetta. Motion carried.

Action on:

**HB 2034 - Requiring utilities to develop means of reducing greenhouse gas emissions.**

Representative Tom Moxley reported to the committee, (Attachment 1), the Emissions Issues sub-committee report on **HB 2034**

Comments were made by Representative Annie Kuether.

Representative Tom Moxley moved to accept the subcommittee report on **HB 2034.** Seconded by Representative Joe Seiwert. Motion carried.

**KCC issues.**

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

Action on:

**HB 2012 - Establishing a deadline for the court of appeals to decide appeals from administrative orders of the state corporation commission.**

Representative Vern Swanson reported to the committee, (Attachment 2), the Emissions Issues sub-committee report on **HB 2012**. He noted that **HB 2012** should be combined with **HB 2017** and returned to full committee for discussion.

Comments were made by Representative Cindy Neighbor, Revisor Melissa Doeblin, and Researcher Cindy Lash.

Questions were asked by Representative Tom Sloan.

Representative Vern Swanson moved that **HB 2012** not be recommended by committee. Seconded by Representative Tom Moxley.

Discussion by Representatives: Tom Sloan, Carl Holmes, Vern Swanson, Tom Moxley, Forrest Knox,

Motion Carried.

Action on:

**HB 2017 - Establishing a deadline for decisions by the state corporation commission.**

Representative Vern Swanson reported to the committee, (Attachment 2), the Kansas Corporation Commission, sub-committee report on **HB 2017**.

Comments were made by Representatives: Tom Sloan, and Vern Swanson.

Representative Vern Swanson moved to change the number of days for the KCC to respond to 180 days on **HB 2017**. Seconded by Representative Joe Seiwert.

Discussion ensued by Representatives: Annie Kuether, Tom Sloan, Vern Swanson, Tom Moxley, Milack Talia,

Motion Carried.

Representative Milack Talia moved to amend (Attachment 3), on **HB 2017**. Seconded by Representative Tom Moxley.

Discussion ensued by Representatives: Vern Swanson, Josh Svaty, Carl Holmes, Annie Kuether,

Motion Carried.

Representative Vern Swanson moved to recommend for adoption **HB 2017** as amended. Seconded by Representative Annie Kuether. Motion Carried.

Action on:

**HB 2014 - Granting authority to the Kansas Electric Transmission Authority (KETA) to establish and charge fees.**

Representative Vern Swanson reported to the committee, (Attachment 2), the Kansas Corporation Commission, sub-committee report on **HB 2014**.

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

Representative Vern Swanson moved that the amendment, (Attachment 4), to **HB 2014** be accepted. Seconded by Representative Annie Kuether. Motion carried.

Discussion ensued by: Representative Tom Sloan and Researcher Mary Galligan.

Further discussion ensued by Representatives: Tom Sloan, Annie Kuether, Carl Holmes,

Representative Vern Swanson moved to recommend for adoption **HB 2014** as amended. Seconded by Representative Annie Kuether. Motion carried.

Action on:

**HB 2035 - Permitting members of large electric cooperatives to elect to be exempt from regulation by the KCC.**

Representative Vern Swanson reported to the committee, (Attachment 2), the Kansas Corporation Commission, sub-committee report on **HB 2035**.

Questions ensued and comments were made on the proposed balloon for **HB 2035**, (Attachment 5) by Representatives: Cindy Neighbor, Annie Kuether, Tom Moxley, Vern Swanson.

Representative Vern Swanson moved that **HB 2035** be amended as presented (Attachment 5). Seconded by Representative Forrest Knox.

Comments on the motion were made by Representative Forrest Knox.

Motion Carried.

Representative Tom Sloan moved to amend **HB 2035**, (Attachment 6), page 2. Seconded by Representative Forrest Knox.

Discussion ensued by Representatives: Forrest Knox, Josh Svaty, Margaret Long, Annie Kuether, Tom Sloan, and Carl Holmes.

Motion carried.

Representative Josh Svaty moved to amend **HB 2035** page 2, line 4, striking the words. "Voting on the proposition" . Seconded by Representative Annie Kuether.

Discussion ensued by Representatives: Joe Seiwert, Forrest Knox, Tom Moxley, Tom Sloan,

Motion to amend, failed.

Representative Josh Svaty moved to amend **HB 2035** page 2, line 4, " a vote of not less than 5% of the aggregate members of the cooperative". Seconded by Representative Margaret Long.

Discussion ensued by Representatives: Josh Svaty, Tom Sloan, Joe Seiwert, Forrest Knox, Annie Kuether, Cindy Neighbor, and Revisor Mary Torrence.

Representative Forrest Knox called the question on the amendment.

Representative Josh Svaty closed on the amendment.

Motion failed 8-12.

Representative Annie Kuether commented about **HB 2035**.

Representative Vern Swanson moved to recommend for adoption **HB 2035** as amended. Seconded by

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

Representative Joe Seiwert.

Discussion ensued by Representatives: Josh Svaty.

Motion passed, 11-8.

Action on:

**HB 2021 - Listing factors to be weighed by the state corporation commission when granting a certificate of public convenience to an electric utility.**

Representative Josh Svaty noted that he was abstaining from any work on **HB 2021**.

Representative Vern Swanson reported to the committee, (Attachment 2), the Kansas Corporation Commission, sub-committee report on **HB 2021**

Representative Tom Sloan explained a proposed amendment to **HB 2021**.

Representative Tom Sloan moved to amend **HB 2021**, (Attachment 7). Seconded by Representative Cindy Neighbor.

Discussion ensued by Representatives: Annie Kuether, Tom Sloan, and Tom Moxley.

Motion to amend failed 6-11.

No action was taken on **HB 2021**.

Action on:

**HB 2116 - Requiring the state corporation commission to annually update base load projections; also requiring utilities to establish energy efficiency and loan management programs.**

Representative Vern Swanson reported to the committee, (Attachment 2), the Kansas Corporation issues sub-committee report on **HB 2116**.

Representative Vern Swanson moved to accept the subcommittee report on **HB 2116**. Seconded by Representative Annie Kuether. Motion carried.

**Energy Efficiency Issues:**

Action on:

**HB 2064 - Light pollution; night sky protection act.**

Representative Rob Olson reported to the committee, (Attachment 8), the Energy Efficiency sub-committee report on **HB 2064**.

Representative Rob Olson moved to accept the subcommittee report on **HB 2064**. Seconded by

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

Representative Tony Brown. Motion carried.

Action on:

**HB 2015 - Establishing energy efficiency standards for certain owned and leased property, equipment and vehicles.**

Representative Rob Olson reported to the committee, (Attachment 8), the Energy Efficiency issues sub-committee report on **HB 2015**. The amendment recommended for adoption in committee was presented to the full committee, (Attachment 9).

Questions were asked and comments made by Representatives: Annie Kuether, Tom Sloan, Mike Burgess, and Revisor Melissa Doebelin.

Representative Rob Olson moved to amend **HB 2015**. Seconded by Representative Connie O'Brien. Motion carried.

Comments were made by Representatives: Annie Kuether, Rob Olson, Mike Burgess, and Carl Holmes.

Representative Rob Olson moved to recommend for adoption **HB 2015** as amended. Seconded by Representative Josh Svaty. Motion Carried.

**Bills not assigned to a sub-committee:**

Action on:

**HB 2225 - Granting certain utilities the option to purchase power from new pulverized coal electricity generating facilities.**

Representative Forrest Knox moved to recommend for adoption **HB 2225**. Seconded by Representative Vern Swanson.

Comments were made by Representative Forrest Knox.

Motion Carried.

Action on:

**HB 2271 - Regulations for underground hydrocarbon storage wells.**

Representative Vern Swanson moved to recommend for adoption **HB 2271**. Seconded by Representative Annie Kuether.

Comments were made by Representatives: Josh Svaty and Carl Holmes.

Motion Carried.

Action on:

**HB 2224 - Compressed air energy storage.**

CONTINUATION SHEET

Minutes of the House Energy And Utilities Committee at 9:00 a.m. on February 10, 2009, in Room 783 of the Docking State Office Building.

Representative Forrest Knox moved to recommend for adoption **HB 2224** . Seconded by Representative Vern Swanson.

Discussion ensued by Representatives: Tom Moxley, and Carl Holmes.

Motion retracted by Forrest Knox and Vern Swanson.

Representative Tom Moxley moved on Page 2, line and Page 3 line 18 changed from January to July for **HB 2224**. Seconded by Representative Annie Kuether. Motion carried.

Representative Forrest Knox moved to recommend for adoption **HB 2224** as amended. Seconded by Representative Vern Swanson. Motion Carried.

The next meeting is scheduled for February 11, 2009.

The meeting was adjourned at 10:49 a.m.