

**Comparison of 2009 Sub. HB 2014 and the Senate Sub. for Sub. HB 2014, with Conference Committee Agreements**

Provision	Sub. HB 2014 as Amended by House Committee of the Whole	Senate Sub. for Sub. HB 2014 as Amended by Senate Committee of the Whole	Conference Committee Agreement
<b>Fuel Economy and Energy Efficiency</b>	<p>The bill would require the Secretary of Administration to adopt rules and regulations:</p> <ul style="list-style-type: none"> <li>• Requiring the average fuel efficiency for state-owned vehicles purchased during 2011 to be at least 10 percent higher than the fuel efficiency of state-owned vehicles purchased in 2008 (New Sec.1)</li> </ul>	<p>All rules and regulations required by this bill would <u>have to adopted within 18 months of the effective date of the act.</u></p> <p>Same, <u>if life-cycle cost-effective.</u> (New Sec. 30)</p>	<p>House concurs with Senate</p> <p>House concurs with Senate</p>
<i>Energy Efficiency of Products and Equipment</i>	<ul style="list-style-type: none"> <li>• Establishing energy efficiency guidelines for state agencies for the purchase of products and equipment such as appliances, lighting fixtures and bulbs and computers, that would be at least as energy efficient as similar products that qualify for the Energy Star® program if the avoided energy cost over the life of the product is equal to or greater than the additional cost paid for the more efficient product (New Sec. 3)</li> </ul>	<p>Same (New Sec. 2)</p>	<p>Same</p>
<i>State Facility Energy Audit/Data Collection</i>	<ul style="list-style-type: none"> <li>• <u>Requiring state agencies to conduct an energy audit at least every five years on all state-owned real property.</u> The Secretary would be require to submit an annual report to the Legislature identifying state-owned property where an excessive amount of energy is being used (New Sec. 4)</li> </ul>	<p>Requires the Secretary of Administration to <u>collect data on energy consumption and costs for all state-owned or leased real property.</u> The Secretary must submit annual <u>electronic</u> reports to the Legislature identifying properties that use an excessive amount of energy, <u>and provide written reports to the Joint Committee on State Building Construction.</u> Reports would be due on the first day of the Legislative Session in 2010 and annually thereafter. (New Sec. 3)</p>	<p>Senate concurs with House position on energy audits</p> <p>Senate agreed to House proposal to distribute written reports to House and Senate Utilities committees, as well as to the Joint Building Committee.</p>

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<i>State-leased Space Energy Efficiency Requirements</i>	<ul style="list-style-type: none"> <li>Establishing energy efficiency performance standards for leased space and improvements. The Secretary would be prohibited from approving, renewing or extending building leases unless the lessor has submitted an energy audit for the building. Lessors would be required to address the performance standards based on the energy audit (New Sec. 4).</li> </ul>	Same (New Sec. 3)	Same
<i>State-owned Space Energy Efficiency Standards</i>	<ul style="list-style-type: none"> <li>Prescribing energy efficiency performance standards for state buildings. All new and, to the extent possible, renovated, state-owned buildings would have to be designed and constructed to achieve energy consumption levels that are at least the levels specified by ASHRAE or IECC. <u>The applicable version of ASHRAE and IECC would be established in rules and regulations.</u> The regulations only apply if the levels are life-cycle cost-effective. The Secretary also would recommend that new and, to the extent possible, renovated school and municipal buildings meet the same requirements. (New Sec. 6)</li> </ul>	Same, <u>except the applicable levels for the standards would be specified in statute as ASHRAE 90.1-2007 and 2006 IECC.</u> (New Sec. 5)	House concurs with Senate
<b>Facilities Conservation Improvement Program (FCIP)</b>	<p>The Energy Office of the Kansas Corporation Commission (KCC) would be required to develop and increase participation of school districts and local governments in the Facility Conservation Improvement Program (FCIP) to the extent that funds are appropriated for that purpose.</p> <p>The Commission also would be required to strongly encourage state agencies that operate and maintain buildings and that do not participate in the FCIP to do so by December 1, 2011. (New Sec. 5)</p>	<p>Same (New Sec. 4)</p> <p>NA</p>	<p>Same</p> <p>House concurs with Senate</p>

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<b>Underground Hydrocarbon Storage Wells</b>	The bill would amend current law regarding underground hydrocarbon storage wells by adding a definition for “company or operator”. The term would be defined as any form of legal entity, including a corporation, limited liability company, and limited or general partnerships (New Sec. 7).	Same (New Sec. 47)	Same
<b>Compressed Air Energy Storage Act (CAES)</b>	<p>The bill would establish a system of regulation for the injection of compressed air into storage wells and the maintenance of underground storage of compressed air.</p> <p>The KCC would be required to adopt rules and regulations addressing issues such as site selection, design and operation criteria, and requirements for monitoring, safety and closure. The KCC would be authorized to establish rules and regulations establishing fees for permitting, monitoring and inspecting operators; moneys received would be deposited in the Compressed Air Energy Storage Fund, which would be created by the Act, and used to pay the costs of regulation.</p> <p>The KDHE would be required to adopt rules and regulations related to air emissions from compressed air energy storage wells and storage facilities to ensure compliance with the Kansas Air Quality Act. The KCC and KDHE would be authorized to enter into a memorandum of understanding concerning implementation of the Act.</p> <p>The Act would create financial penalties for violations. (New Secs. 8-15).</p>	Same (New Secs. 38-45)	Same
<b>Certificates of Public Convenience</b>	The bill would establish a timeframe for the KCC to grant, deny or amend certificates of public convenience. The Commission	Same (New Sec. 32)	Same

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	<p>would have to issue a decision within 180 days from receipt of the application, unless the applicant extends the time in writing. This requirement would not apply to decisions to grant or deny a certificate in cases involving acquisitions and mergers of utilities (New Sec. 16).</p>		
<p><b>Kansas Electric Transmission Authority</b></p>	<p>The bill would amend existing law to allow the Kansas Electric Transmission Authority (KETA) to establish and charge reasonable fees, rates, tariffs or other charges for use of facilities owned, financed or administered by KETA and for services rendered by KETA, provided such costs were not recoverable through tariffs of the Southwest Power Pool.</p> <p>The bill also would clarify that KETA's statutory rights and powers extend to electric transmission lines that have been deemed compatible with plans adopted by the Southwest Power Pool, as well as to transmission lines with an operating voltage of 60 kilovolts or more which have been approved by the Southwest Power Pool. (Secs. 17 and 18)</p>	<p>Same, <u>but adds statement that costs not recoverable through the Southwest Power Pool would be recovered from the entity that requested services from KETA.</u> (New Sec. 33)</p> <p>Same (New Sec. 34)</p>	<p>House concurs with Senate</p> <p>Same</p>
<p><b>Deregulation of Large Electric Cooperatives</b></p>	<p>The bill would amend existing law to allow large electric cooperatives to remove themselves from the regulatory jurisdiction of the KCC regarding rates. Under the bill, the option to deregulate would be expanded to cover the following entities:</p> <ul style="list-style-type: none"> <li>● Electric cooperatives with more than 15,000 members that primarily sell power at retail;</li> <li>● Limited liability companies that provide wholesale electric service and are owned by four or more electric cooperatives</li> </ul>	<p>Same (Sec. 29)</p>	<p>Same</p>

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	<p>that provide retail service in Kansas; and</p> <ul style="list-style-type: none"> <li>Any member-owned corporation formed prior to 2004.</li> </ul> <p>The bill would amend existing law to require that, in the case of a generation and transmission cooperative that elected to be deregulated, a petition signed by at least 20 percent of that cooperative's members or by five percent of the aggregate retail customers of such members would trigger a KCC review of a rate change. In addition, the bill would require cooperatives that deregulate to notify customers of their right to request KCC review of a rate change. The bill would add clarifying language regarding the portion of members of a retail distribution cooperative who must sign a rate review petition, but that portion of members would remain as in current law. (Sec. 19)</p>		
<b>Renewable Energy Standards</b>	<p>The bill would enact the <u>Renewable Energy Standards Act</u> that would require electric public utilities, except municipally owned electric utilities, to generate or purchase specified amounts of electricity generated from renewable resources, <u>or purchase renewable energy credits.</u> (New Sec. 22)</p>	<p><u>Not a named act.</u> Would require electric public utilities, except municipally owned electric utilities, to generate or purchase specified amounts of electricity generated from renewable resources. <u>No provision for purchase of renewable energy credits.</u> (New Sec. 6)</p>	House concurs with Senate
<i>Renewable Energy Sources</i>	<p><u>The amount of electricity from renewable resources would be established by rules and regulations adopted by the KCC as specified in the Act. Any Commission regulations under the Act would have to be established within 240 days of the effective date of the Act.</u></p> <ul style="list-style-type: none"> <li>The renewable energy requirement would apply to all power sold in the State to retail customers regardless of whether</li> </ul>	<p>The KCC would be required to adopt rules and regulations for <u>reporting requirements and prevention of duplication</u> of the application of the renewable energy requirement. <u>Regulations must be adopted within 18 months of the effective date of the Act.</u> (Sec. 6)</p>	House concurs with Senate

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	<p>the power is generated in Kansas or purchased from an out-of-state source. For purposes of the Act, renewable energy could be generated by wind, solar, photovoltaic, biomass, hydropower, geothermal, <u>waste incineration and landfill gas resources or technologies; and municipal or other solid waste and animal waste.</u></p> <ul style="list-style-type: none"> <li>The KCC would be required to establish a certification process for other renewable energy resources to meet the requirements of the Act. (New Secs. 21, 22, and 26)</li> </ul>	<p>Renewable resources for this requirement include wind, solar, photovoltaic, biomass, hydropower, geothermal, and landfill gases. (New Sec. 6)</p> <p>NA</p>	<p>Senate concurs with House on definition of renewables</p> <p>House agreed to Senate-proposed language requiring the KCC to adopt rules and regulation for administration of a certification process for renewable electric generation facilities for purposes of fulfilling the requirements of section 6.</p>
<p><i>Renewable Requirement Increments</i></p>	<p><u>The renewable energy requirement (net renewable generation capacity) would be for a portion of the affected utility's peak demand (defined as the one-hour maximum annual demand created by the utility's retail load in Kansas) that is at least:</u></p> <ul style="list-style-type: none"> <li><u>10 percent of the peak demand for calendar years 2010 through 2015, based on the average demand during the three years prior of each of those years;</u></li> <li><u>15 percent of the peak demand for 2016 through 2019, based on the average demand during the three years prior of each of those years; and</u></li> <li><u>20 percent of the peak demand for each year beginning in 2020, based on the average demand during the three years prior of each of those years.</u></li> </ul>	<p><u>For each public utility, the nameplate capacity of the renewable electric generation facilities included in the utility's portfolio, whether owned or contracted for energy purchase, shall be at least:</u></p> <ul style="list-style-type: none"> <li><u>10 percent of the three-year average (calendar years 2009, 2010, and 2011) peak retail load, expressed in megawatts, in the State of Kansas, by 2013</u></li> <li><u>15 percent of the three-year average (calendar years 2013, 2014, and 2015) peak retail load, expressed in megawatts, in the State of Kansas, by 2017</u></li> <li><u>20 percent of the three-year average (calendar years 2017, 2018, and 2019) peak retail load, expressed in megawatts, in the State of Kansas, by 2021</u></li> </ul> <p>(New Sec. 6)</p>	<p>House concurs with Senate</p>

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<i>Cost Recovery and Circuit Breaker</i>	<p>The KCC would be required to allow affected utilities to recover costs incurred to meet the renewable energy requirement. (New Sec. 23)</p> <p>As determined by the Commission, a utility would be able to delay compliance with the renewable energy requirement if transmission capacity is not available for the renewable energy, if the utility's customers would realize substantial benefit by delaying compliance until transmission capacity is available, or if the utility can demonstrate that the cost of compliance would adversely impact its credit rating or its liquidity. (New Sec. 22)</p>	<p>NA</p> <p>The requirement beginning in 2021 would not apply if the KCC finds that a utility would have to make unreasonable and imprudent expenditures to comply with the requirement because sufficient transmission facilities do not exist (New Sec. 6)</p>	<p>House concurs with Senate</p> <p>House concurs with Senate</p>
<i>Definition</i>	<p>"Net renewable generation capacity" would be defined as the gross hourly maximum output capability of a renewable energy resource when not limited by ambient conditions, equipment, operating or regulatory restrictions, less power required to operate the resource. The phrase refers to resources located in Kansas or those serving ratepayers in the State, regardless of how those resources are treated for ratemaking purposes. (New Sec. 20(d))</p>	<p>NA The operative term would be "nameplate capacity" which would not be defined by the bill.</p>	<p>House concurs with Senate</p>
<i>Credit for KS Generated Power and for Equipment Manufactured in KS</i>	<p>Each megawatt of eligible capacity in Kansas would count as 1.25 megawatts for purposes of compliance with the renewable energy requirement. (New Sec. 22)</p> <p>NA</p>	<p>Same, but clarifies that the incentive refers to eligible capacity <u>generated</u> in Kansas. (New Sec. 6)</p> <p><u>Each megawatt of eligible capacity generated in Kansas from equipment manufactured in Kansas would count as 1.5 megawatts for purposes of compliance with the renewable energy requirement. Part of the criteria for qualifying as manufactured in Kansas is that not less than 51 percent of the cost of the equipment used was attributable to manufacturing located in</u></p>	<p>House concurs with Senate</p> <p>House concurs with Senate</p>

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		Kansas. (New Sec. 6)	
<i>Credit for Net Metering</i>	The capacity of any net metering systems interconnected with the affected utilities under the Net Metering and Easy Connection Act for Renewable Generation, would count toward compliance with the renewable energy requirement.	Same (New Sec. 6 and 19)	Same
<i>Credit for Energy Efficiency</i>	In addition, affected utilities would be able to count savings from energy efficiency programs toward up to 25 percent of the renewable energy requirement. Savings from energy efficiency programs would be determined in accordance with rules and regulations adopted by the KCC. Savings would have to include both savings at customer facilities and savings by the utility in generation and distribution as compared to the level of usage expected without energy efficiency programs. (New Sec. 22)	NA	House concurs with Senate
<i>Enforcement/ Implementation</i>	The KCC would have broad authority under the Act to establish <u>rules and regulations for administration of the Act, including enforcement mechanisms necessary to ensure compliance with the Act. The Act would authorize imposition of administrative penalties for non-compliance and would give the KCC discretion in imposition of penalties. Costs of administrative penalties could not be recovered from retail customers. (New Sec. 25)</u>	The KCC would be required to adopt rules and regulations for <u>reporting requirements and prevention of duplication</u> of the application of the renewable energy requirement. (New Sec. 6)	House concurs with Senate
<b>Net Metering and Easy Connection Act</b>	The Act would require any municipal electric utility, electric cooperative, or electric public utility to make net metering available to customer-generators with maximum generation capacity of 100 kilowatts.  "Net metering" would be defined to mean use of metering equipment sufficient to measure the difference between the electricity supplied to a customer-generator by a retail electric	Same. (New Secs. 8 and 9)  Same, <u>except deletes the word "sufficient"</u> (New Sec. 8)	Same  House concurs with Senate

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	supplier and the electricity supplied by the customer-generator to the supplier during a billing period. (New Sec. 27)		
<i>Renewable Resources</i>	Renewable energy resources that could be used to generate electricity under the Act include wind, solar, photovoltaic, biomass, hydropower, geothermal, <u>waste incineration</u> , and landfill gas resources or technologies; <u>and municipal or other solid waste and animal waste</u> . (New Sec. 28)  The KCC would be authorized to approve other methods of renewable generation. (Sec. 46)	Renewable resources for this requirement include wind, solar, photovoltaic, biomass, hydropower, geothermal, and landfill gases. (New Sec. 8)  Same (Sec. 25)	Senate concurs with House  Same
<i>Implementation</i>	The KCC would be required to adopt rules and regulations <u>within nine months</u> of the effective date of the Act for administration of Act in regard to regulated utilities. Governing bodies of non-regulated utilities would be required to adopt policies required by the Act. (New. Sec. 36-37)	Same, except timeframe for rules and regulations is <u>within 18 months</u> . (New Sec. 16-17)	House concurs with Senate
<i>Customer Choice</i>	Customer-generators would be able to utilize either the parallel generation statute or the Net Metering Act. (Sec. 46)	Same (Sec. 25)	Same
<i>Billing Procedure and Net Excess Generation</i>	The Act would provide that retail electric suppliers would measure the net power produced and consumed by the customer-generator during a billing period by using a bidirectional meter, multiple meters, or alternative technology. If the supplier provides the customer-generator with more power during a billing period than the customer generates, the customer would be billed for the net amount provided by the supplier. If the amount of electricity generated by the customer during a billing period exceeds the amount provided by the supplier, the customer would be billed for applicable customer or demand charges, or both. Excess electricity generated by	Same (New Sec. 12)	Same

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	the customer during a billing period would be retained by the supplier as a contribution to the fixed costs associated with owning and maintaining the facilities required to provide electric service to the customer. (New Sec. 32)		
<i>Metering Equipment</i>	<p>A customer-generator's facility shall be equipped with sufficient metering equipment <u>that can measure the net amount of electrical energy produced or consumed by the customer generator.</u></p> <p>If the customer-generator's equipment does not meet the requirements, <u>the customer-generator shall reimburse the retail electric supplier</u> for the cost to purchase and install the necessary equipment. (New Sec. 30)</p> <p>NA</p>	<p>A customer-generator's facility shall be equipped with sufficient metering equipment <u>to measure the difference between the electrical energy supplied to a customer-generator by a retail electrical supplier and the electrical energy supplied by the customer-generator to the retail electrical supplier.</u></p> <p>If the customer-generator's equipment does not meet the requirements, <u>the retail electric supplier may charge the customer-generator</u> for the costs to purchase and install the necessary equipment.</p> <p>Subsequent meter testing and maintenance necessitated by the customer-generator are paid by the customer-generator. (New Sec. 10)</p>	<p>House concurs with Senate</p> <p>House concurs with Senate</p> <p>House concurs with Senate</p>
<i>Generation Capacity</i>	Generating equipment would have to meet specifications established by the Act including being appropriately sized to the customer-generator's electrical load and meeting specified safety, performance, interconnection and reliability standards. Generation systems of 10 kilowatts or less capacity would only have to meet the statutory standards. Larger systems could be required to meet additional standards established by the KCC or the supplier's governing body. (New Secs. 33 and 34)	Same (New Sec. 8, 13)	Same

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<i>Insurance</i>	Customer-generators would be required to purchase and maintain in force general liability insurance that does not exclude liability for the net metering interconnection. The amount of insurance would have to be sufficient to insure against all reasonably foreseeable direct liabilities given the size and nature of the generating equipment and the interconnection. (New Sec. 33)	NA	House concurs with Senate
<i>Supplier Liability</i>	The Act would provide that for any cause of action relating to damages to property or persons caused by the generation unit of a customer-generator or its interconnection, the supplier would not be liable in the absence of clear and convincing evidence of fault on the part of the supplier.(New Sec. 38)	Same (New Sec. 18)	Same
<i>System Maximum Net Generation</i>	The maximum amount of net generation capacity that a supplier must accept on its system during a calendar year is one percent of the supplier's single-hour peak load during the prior year. Over all, a supplier would not have to make net metering available to additional customers once the total net metering capacity on the supplier's system reaches five percent of the supplier's Kansas single-hour peak load during the prior year. <u>"Peak load" would be defined to mean the supplier's one-hour maximum annual demand imposed by its retail load in Kansas.</u> (New Sec. 29)	Same, <u>except peak load not defined separately</u> (New Sec. 9)	House concurs with Senate
<i>Cost Recovery</i>	Suppliers would be able to recover in their rate structures those costs associated with implementation of the Act. (New Sec. 40)	Same (New Sec. 20)	Same
<i>Local Authority</i>	Declares void and unenforceable any provision of a city ordinance, county resolution or covenant that limits or prohibits the use of equipment for solar power installed on or adjacent to residential dwellings or buildings. (New Sec. 44 and 45)	NA	House concurs with Senate

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<b>Parallel Generation Statute Amendments</b>	Define “avoided energy cost” to mean the current average cost of fuel and purchased energy for the preceding month for a utility or for a non-generating utility’s wholesale power supplier. That term would replace the phrase “monthly system average cost of energy per kilowatt hour” as the basis for compensation for excess energy provided to utilities by parallel generators. (New Sec. 46)	Same (Sec. 25)	Same
<i>Customer Choice</i>	The statute would authorize customer-generators, as defined in the Net Metering Act, to choose to either utilize that Act or the parallel generation statute. Once the choice is filed with the utility, the customer would not be able to change the method chosen. (New Sec. 46)	Same (Sec. 25)	Same
<i>Additional Renewable Generation Methods</i>	The KCC would be authorized to approve net metering tariffs requested by electric utilities for other methods of renewable generation not described in the Net Metering Act. The bill would delete a reference to the Governor’s goals for production of energy from wind and to include in its place a reference to a renewable portfolio target or mandate. (New Sec. 46)	Same. (Sec. 25)	Same
<b>Kansas Air Quality Act Amendments</b>	The bill would amend the Kansas Air Quality Act to prohibit the Secretary of KDHE from promulgating rules and regulations that are more stringent than required by the federal Clean Air Act or rules and regulations authorized by that Act. The restriction in the bill would not apply to a plan for a non-attainment area under the federal Clean Air Act. The bill would prohibit rules and regulations under the State Act from being enforced in any area of the State prior to the time required by the federal Act. The Secretary would be prohibited from denying or delaying issuance of a permit required under the State Act if the applicant has met the requirements of that Act. (Sec. 48 and 49)	Same (Sec. 26)	Same

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<i>County Home Rule</i>	Counties would be prohibited from utilizing home rule authority to create exemptions from or change the application of the Kansas Air Quality Act. (Sec. 47)	Same (Sec. 24) Includes Revisor's technical corrections.	House concurs with Senate
<i>Permit Reconsideration</i>	If requested by the applicant, the Secretary would be required to reconsider an action on a permit, filed after January 1, 2006 and prior to the effective date of the Act, that remains pending in any administrative or judicial review proceeding. The application for reconsideration would have to be filed with the Secretary within 60 days of the effective date of the Act, and the Secretary would have 15 days during which to act on the request. The Secretary's reconsideration and determination would be governed by the Act as amended by the bill. If the Secretary fails to act within the 15 day period, the party who requested review would be entitled to seek a writ of mandamus from the Court of Appeals. An applicant aggrieved by the Secretary's action after the reconsideration would be able to file a petition for review with the Kansas Court of Appeals within 30 days of the Secretary's determination. The Court's review would be conducted in accordance with the Act for Judicial Review and Civil Enforcement of Agency Actions but without any requirement to exhaust other administrative remedies. (Sec 48)	Same. (Sec. 26)	Same
<i>Emergency Procedures</i>	KSA 65-3012 would be amended to establish a procedure for addressing air pollution emissions that pose an imminent and substantial danger to public health or welfare or to the environment. The procedure also would be applicable to an imminent or actual violation of the Kansas Air Quality Act. The Secretary of Health and Environment could issue a temporary order directing the owner or operation or the pollution source to	Same (Sec. 28)	Same

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	<p>take steps necessary to prevent the offending act or to eliminate the offending practice. The order could not exceed 72 hours in duration.</p> <p>When the temporary order is issued, the Secretary would be authorized to file an action in district court to enjoin the offending activity. Alternatively, the Secretary could request the Attorney General or the appropriate county or district attorney to file for the injunction. The court could issue a temporary or permanent injunction if the Secretary shows that the offending condition or situation exists. Persons aggrieved by an order of the Secretary issued under the new procedure would be entitled to review of the Secretary's action under the Act for Judicial Review and Civil Enforcement of Agency Actions. The aggrieved party would not be required to exhaust other or additional administrative remedies available within the agency. A petition for review under the new provision would have precedence over other cases in regard to order of trial. (Sec. 50)</p>		
<p><b>Access to New Baseload Generation Capacity</b></p>	<p>The bill would require any public utility that builds a new fossil fuel or nuclear baseload electric generating facility in Kansas to provide to any municipal or cooperative electric utility an option to own a portion of the facility or enter into an agreement to purchase a portion of the power generated, or both. The portion available to municipal or cooperative utilities would be a maximum of 15 percent of the rated capacity of the facility or 200 megawatts of power, whichever is less, that is not dedicated to Kansas consumers. The aggregate amount of purchased power by all municipal utilities and cooperatives could not exceed 200 megawatts.</p>	<p>Same (New Sec. 46)</p>	<p>Same</p>

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	<p>If the facility developer proceeds with construction of the new generating facility, any municipal or cooperative electric utility in the State would have six months from the date of issuance of the construction permit under the Kansas Air Quality Act for the facility, or nine months from the effective date of this Act, whichever occurs first, to exercise the option to purchase an ownership interest in or to enter into an agreement to purchase power from the new facility. The terms and conditions of the sale or the power purchase agreement would have to be the same as those for other participants in the facility, other than the developer.</p> <p>The bill would provide that if more than one municipal or cooperative electric utility exercises the option described in the bill, in the absence of a mutual agreement otherwise, the amount of power available would be allocated equally among those utilities, but an option could not be exercised for less than 25 megawatts. (New Sec. 51)</p>		
<p><b>Kansas Energy Resources Commission</b></p>	<p>The bill would create the Kansas Energy Resources Commission, a seven-member body that would make annual <u>recommendations</u> to the Governor and the Legislature. The charge to the Commission would be as follows:</p> <ul style="list-style-type: none"> <li>● Develop strategies to maximize productive use of the existing energy resources in Kansas;</li> <li>● Identify means of sustaining and, if possible, increasing production and use of identified energy resources;</li> <li>● Identify emerging technologies and opportunities relevant to</li> </ul>	<p>Same, <u>except as shown below</u> (New Sec. 35 The Commission would make annual <u>reports</u>...</p>	<p>House concurs with Senate</p>

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	<p>Kansas energy resources and recommend state investment in specific research projects;</p> <ul style="list-style-type: none"> <li>● Investigate scientific literature on the public health impacts of <u>emissions of greenhouse gases and particulate matter</u>, as well as technologies to capture and reduce such emissions, <u>and recommend emission limits for man-made emissions by type of emitting source</u>;</li> <li>● Recommend reallocation of existing state budget resources;</li> <li>● <u>Recommend</u> permanent funding sources for energy and sustainability research; and</li> <li>● Pursue other issues Commission members deem necessary.</li> </ul> <p>Six members of the Commission would be appointed by legislative leadership, and one member would be appointed by the Governor. Members would be required to be residents of Kansas; recognized for their breadth of knowledge on energy issues and initiatives, with expertise in the matters assigned for commission review; and to possess either terminal professional degrees or a minimum of five years experience in their field. Initial appointments would be for staggered terms of office; thereafter members would have four-year terms. Members would receive reimbursement for certain expenses, but would not receive compensation.</p> <p>The Commission would meet at least quarterly and submit a preliminary report by September 1, 2010. Legislative branch</p>	<p>Investigate scientific literature on the public health impacts of <u>emissions</u>, as well as technologies to capture and reduce such emissions;</p> <p><u>NA</u></p> <p><u>Investigate</u> permanent funding sources for energy and sustainability research; and</p>	

April 2, 2009

Provision	Sub. HB 2014 as Amended by House Committee of the Whole	Senate Sub. for Sub. HB 2014 as Amended by Senate Committee of the Whole	Conference Committee Agreement
	agencies would provide assistance as requested by the Commission and authorized by the LCC. The KCC would be provide assistance as requested by the Council. (New Sec. 52)		
<b>Kansas Coal Requirement</b>	NA	Any new coal-fired electricity generation facility in Kansas constructed after the effective date of the Act would be required to purchase at least five percent of its coal from Kansas coal mines. This requirement would not apply if the cost of Kansas coal was more than 125 percent greater than the cost of out-of-state coal, or if Kansas coal was not reasonably available for use, as provided in the bill. (New Sec. 37)	House and Senate agreed to new language that would require purchase of Kansas coal by a new coal-fired electricity generation facility only if the Kansas coal was cost-competitive, sold on comparable terms, and of acceptable quality. It addition, the purchase would not be required if it would cause the facility to violate its air quality permit or a contractual obligation.
<b>Joint Committee on Energy and Environmental Policy</b>	NA	The Joint Committee on Energy and Environmental Policy would be required to study and make recommendations regarding the use of moneys received under the American Recovery and Reinvestment Act of 2009 for energy efficiency, weatherization, energy conservation, alternative fuel vehicles and state energy programs. The results of these studies would be submitted to the Legislature in 2010 and 2011 as part of the Committee's annual reports. (New Sec. 31)	House concurs with Senate
<b>Severability</b>	NA	New Sec. 36	House concurs with Senate
<b>Effective Date of Act</b>	Upon publication in the <i>Kansas Register</i>	Same	Same

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