



KANSAS

OFFICE OF THE GOVERNOR

KATHLEEN SEBELIUS GOVERNOR

EXECUTIVE ORDER 07-16

WHEREAS, Article 1, §3 of the Constitution of the State of Kansas vests the supreme power of the state in the Governor; and

WHEREAS, energy production is one of the core foundations of our state's economy; and

WHEREAS, the production of energy benefits the long term economic and employment health of the state; and

WHEREAS, the formation of public policy is dependent upon accurate and timely information being made available to Kansas policy makers; and

WHEREAS, improved coordination of the state's energy resources is an essential element in improving the quality of services provided to the people of Kansas; and

WHEREAS, policies to encourage renewable energy and energy efficiency, and to extend the life of existing energy resources are required for Kansas to regain its status as an energy exporter and for Kansas' energy future; and

WHEREAS, surrounding states have taken steps to promote or mandate the use of renewable energy resources; and

WHEREAS, after decades of standing as a net energy exporter, Kansas has now become a net importer of energy; and

WHEREAS, Kansas has been ranked first among all states in harnessable renewable energy resources; and

WHEREAS, it is the goal to help ensure that Kansans have low cost, reliable and sustainable energy, produced in-state, to the fullest extent possible.

NOW, THEREFORE, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby reformulate the composition of the Kansas Energy Council ("Council") with the following purposes and charges:

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1. The Council shall collect and compile information pertaining to energy resources, including wind and biomass, in the state, as well as the availability, production and use of energy in the state.
 2. Based on such data, the Council shall formulate and coordinate a comprehensive state energy plan that includes strategies to:
 - a. Ensure a low-cost, reliable and sustainable energy supply;
 - b. Increase energy efficiency and conservation;
 - c. Develop a balanced renewable energy policy that promotes our state's renewable and alternative energy resources and preserves those natural ecosystems and places of scenic beauty that cannot be replaced;
 - d. Extend the life of existing energy resources;
 - e. Enhance energy related research and development; and
 - f. Ensure an adequate and stable state energy infrastructure.
 3. Such a state plan shall include sections corresponding with:
 - a. Estimates of energy consumption by Kansas residents for the next 12, 36 and 60 months by energy category; and
 - b. Estimates of energy production by energy source for the next 12, 36, and 60 months by energy category.
 4. The Council shall annually review and modify as necessary the state energy plan.
 5. The Council shall advise of trends identified in relation to energy production, consumption and any tax or revenue implications.
 6. The Council shall recommend:
 - a. Appropriate means to increase the productive life of Kansas energy resources;
 - b. Appropriate means to increase the state's self-reliance on its own energy sources through:
 - i. Increased efficiency in the use of its resources,
 - ii. Identification of potential energy resources, and
 - iii. Identification of policy and tax issues that positively or adversely impact self-reliance;
 - c. Ways to avoid loss of tax revenues and employment opportunities related to energy resource management;
 - d. Policies to increase the export of energy from Kansas;
 - e. Policies to encourage renewable energy development;
 - f. Policies to encourage energy efficiency; and
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- g. Such other policies or actions related to energy resource management as may be identified.

The Council shall study the state's transmission needs for electrical energy.

- 8. The Council shall determine ways to encourage energy-related production, research and development, and other energy-related economic development in the state.
 - 9. The Council shall annually report their findings and recommendations to the Kansas Corporation Commission, the Governor and the legislature no later than January 15th.
 - 10. The Council shall consist of 34 members as follows:
 - a. The state geologist, or designee;
 - b. The chairperson of the Kansas Corporation Commission, or designee;
 - c. The consumer counsel of the Citizens' Utility Ratepayer Board, or designee;
 - d. 25 appointments by the Governor; including:
 - i. An energy economist serving on the faculty of a state education institution;
 - ii. An individual knowledgeable in energy efficiency and conservation;
 - iii. An individual knowledgeable in tax and revenue issues related to energy use or production;
 - iv. An individual knowledgeable in energy production issues as they relate to agriculture;
 - v. An individual knowledgeable in environmental issues related to energy use and production;
 - vi. An individual knowledgeable in renewable energy resources;
 - vii. An individual knowledgeable in residential housing;
 - viii. An individual knowledgeable in commercial and industrial buildings;
 - ix. A representative of oil producers;
 - x. A representative of natural gas producers;
 - xi. A representative of refiners of petroleum products;
 - xii. A representative of marketers of petroleum products;
 - xiii. A representative of investor-owned generators of electricity;
 - xiv. A representative of rural electric cooperatives;
 - xv. A representative of municipally owned or operated electric utilities;
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- xvi. A representative of generators of electricity from renewable energy resources;
 - xvii. A representative of the trucking industry;
 - xviii. A representative of natural gas utilities;
 - xix. A representative of Kansas Association of Counties;
 - xx. A representative of the League of Kansas Municipalities;
 - xxi. The Secretary of Commerce, or designee;
 - xxii. The President of the Kansas Development Finance Authority, or designee;
 - xxiii. The Secretary of Transportation, or designee;
 - xxiv. The Secretary of Health and Environment, or designee;
 - xxv. The Secretary of Agriculture, or designee;
 - e. Three members of the House of Representatives who have substantial knowledge of energy, agriculture or business development, two to be appointed by the Speaker of the House and one to be appointed by the Minority Leader of the House of Representatives; and
 - f. Three members of the Senate who have substantial knowledge of energy, agriculture or business development, two to be appointed by the President of the Senate and one to be appointed by the Minority Leader of the Senate.
- 11 Of the members appointed by the Governor subsequent to this order, one shall serve a term of four years, one shall serve a term of three years, one shall serve a term of two years and one shall serve a term of one year, and thereafter, terms shall be for four years;
12. All other members shall serve terms consistent with their offices, employment or appointment.
- 13 The Lieutenant Governor shall serve as co-chairperson. The Governor shall annually select a co-chairperson from among the members. The co-chairperson appointed from the membership of the Council shall serve as presiding officer. The Council may elect other officers among its members and may establish any committees deemed necessary to discharge its responsibilities.
14. Members of the Council, with exception of the co-chairperson appointed from the membership of the Council, shall not receive compensation, subsistence, allowance or associated expenses. Officers or employees of state agencies who are appointed to the Council as part of their duties shall be authorized to participate on the Council and may claim subsistence, allowance, mileage or associated expenses as permitted by law.
15. Plans, reports, or recommendations of any nature adopted by the Council shall be considered advice to the Governor and legislature and shall not be
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construed as official policy, position or interpretation of laws or rules and regulation by the State Corporation Commission or the Department of Health and Environment nor shall they be bound in any manner to consider any such advice when conducting their advisory and regulatory responsibilities.

This order supersedes Executive Order No. 06-13. This document shall be filed with the Secretary of State as Executive Order No. 07-16 and shall become effective immediately.

THE GOVERNOR'S OFFICE

BY THE GOVERNOR

Kathleen Sebelius

DATED

06/06/07

Ron Thornburgh
Secretary of State

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Assistant Secretary of State

