

# Journal of the House

FIFTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, January 29, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 123 members present.  
Rep. Peterson was excused on legislative business.  
Rep. Rardin was excused on excused absence by the Speaker.

Prayer by Rep. Metsker:

Lord, as the deer longs for the water-brooks, so longs my soul for You, O God...

Lord, God, King of heaven and earth we come to you — for this day, please direct and sanctify, set right and govern our hearts, our sentiments, our words and our actions in conformity with Your law and Your commandments. O God, the King eternal, whose light divides the day from the night and turns the shadow of death into the morning; Drive far from us all wrong desires, incline our hearts to keep Your law, and guide our feet into the way of peace; that having done Your will with cheerfulness during the day, we may, when night comes, rejoice to give You thanks.

And...for me Lord...grant to me I pray, the spirit to think and do always those things that are right...that I who cannot exist without You, may by You be enabled to live according to Your will; through Jesus Christ my Lord, who lives and reigns with You and the Holy Spirit, one God, forever and ever. Amen.

The Pledge of Allegiance was led by Rep. Carlson.

In recognition of Kansas Day and the 146th birthday of Kansas, Rep. Ballard led the members of the House in singing "Home on the Range."

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2266**, An act concerning health care; relating to providing information concerning umbilical cord collection to certain pregnant women; enacting the umbilical cord donation information act, by Committee on Federal and State Affairs.

**HB 2267**, An act concerning annexation of land by cities; amending K.S.A. 2006 Supp. 12-520 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2268**, An act concerning consumer protection; relating to qualifications of persons conducting certain inspections for wood destroying insects, by Committee on Judiciary.

**HB 2269**, An act concerning driving while license suspended; penalty; amending K.S.A. 2006 Supp. 8-262 and repealing the existing section, by Committee on Judiciary.

**HB 2270**, An act designating the official state firefighters museum and the official state firefighters memorial, by Committee on Federal and State Affairs.

**HB 2271**, An act concerning health and health care; prescribing disclosure and availability of quality and performance indicators by certain health care providers for health or medical care services, by Committee on Health and Human Services.

**HB 2272**, An act enacting the health care price transparency act; prescribing disclosure and availability of prices charged by certain health care providers and reimbursed by health insurance carriers for health or medical care services, by Committee on Health and Human Services.

**HB 2273**, An act concerning health insurance; relating to assignment of insurance payments for covered services, by Committee on Health and Human Services.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2242**.

Appropriations: **HB 2246**.

Commerce and Labor: **HB 2248, HB 2249, HB 2250, HB 2251**.

Education: **HB 2253**.

Elections and Governmental Organization: **HB 2257, HB 2258, HB 2259, HB 2260**.

Federal and State Affairs: **HCR 5008**.

Health and Human Services: **HB 2243, HB 2247, HB 2255, HB 2265**.

Insurance and Financial Institutions: **HB 2244, HB 2245**.

Judiciary: **HB 2252, HB 2254, HB 2261, HB 2262, HB 2263**.

Taxation: **HB 2256, HB 2264**.

#### CONSENT CALENDAR

No objection was made to **HB 2046, HB 2109, HB 2128** appearing on the Consent Calendar for the first day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2021**, An act concerning townships; authorizing townships to transfer certain moneys, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, Hayzlett, Peterson, Rardin, K. Wolf.

The bill passed, as amended.

**HB 2044**, An act concerning property taxation; relating to exemptions; certain tax reduction assistance funds, distributions; amending K.S.A. 2006 Supp. 79-2978 and 79-2979 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe,

Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Flora, Hayzlett, Peterson, Rardin, K. Wolf.

The bill passed, as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2037** be amended on page 2, in line 28, by striking "2008" and inserting "2009";

On page 3, in line 5, by striking "statute book" and inserting "Kansas register"; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2038** be amended on page 1, in line 35, after "the" by inserting "generating"; in line 36, after "the" by inserting "generating"; in line 36, by striking all following "10%"; in line 37, by striking all preceding the period; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2066** be amended on page 1, in line 26, following "owner" by inserting "or prospective transmission facilities owner"; in line 35, by striking "trans-"; in line 36, by striking "mission lines" and inserting "supply lines which are used for the bulk transfer of 34.5 kilovolts or more of electricity,"; in line 43, preceding "line" by inserting "electric supply";

On page 2, following line 8, by inserting the following:

"Sec. 3. K.S.A. 66-1,170 is hereby amended to read as follows: 66-1,170. As used in this act:

(a) "Distribution line" means an electric line used to furnish retail electric service, including any line from a distribution substation to an electric consuming facility; but such term does not include a transmission facility used for the bulk transfer of energy even if such energy is reduced in voltage and used as station power.

(b) "Electric consuming facility" means any entity which utilizes electric energy from a central station service.

(c) "Commission" means the state corporation commission of the state of Kansas.

(d) "Retail electric supplier" means any person, firm, corporation, municipality, association or cooperative corporation engaged in the furnishing of retail electric service.

(e) "Certified territory" means an electric service territory certified to a retail electric supplier pursuant to this act.

(f) "Existing distribution line" means a distribution line which is in existence on the effective date of this act, and which is being or has been used as such.

(g) "Single certified service territory" means that service area in which only one retail electric supplier has been granted a service certificate by the commission.

(h) "Dual certified service territory" means that service area where more than one retail electric supplier has been granted a service certificate by the commission.

(i) "Station power" means electric energy used for operating equipment necessary for the process of generating electricity at any generating plant owned by a utility or a generating plant specified in subsection (e) of K.S.A. 66-104, and amendments thereto, and placed in use on or after January 1, 2002, whether such electrical energy is generated at such generating plant or provided through the adjacent transformation and transmission interconnect, but does not include electric energy used for heating, lighting, air conditioning and office needs of the buildings at a generating plant site.

(j) *“Transmission facilities owner” means any person, firm, corporation, municipality, association, Kansas electric transmission authority or cooperative corporation engaged in the bulk transfer of electricity for retail or wholesale purposes.*”;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 9, following “K.S.A.” by inserting “66-1,170,”;

In the title, in line 10, following “K.S.A.” by inserting “66-1,170,”; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular order of business, Introduction of Bills and Concurrent Resolutions.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were thereupon introduced and read by title:

**HB 2274.** An act relating to credits against premium taxes for investments in qualified business facilities, by Committee on Economic Development and Tourism.

**HB 2275.** An act concerning school districts; relating to vending machines in schools, by Committee on Education.

**HB 2276.** An act concerning school districts; relating to school finance; authorizing a levy for the budget equity fund, by Committee on Education.

**HB 2277.** An act concerning insurance; establishing the Kansas Health Security Act, by Representatives Swenson and Powers.

**HB 2278.** An act concerning consumer protection; relating to definitions; amending K.S.A. 50-624 and repealing the existing section, by Committee on Energy and Utilities.

#### HOUSE CONCURRENT RESOLUTION No. 5009—

By Committee on Taxation

A CONCURRENT RESOLUTION pledging the Kansas Legislature’s support for the National Bio and Agrodefense Facility and urging the United States Department of Homeland Security, the United States Department of Agriculture, the United States Department of Health and Human Services, President Bush, the Kansas Congressional Delegation and others to consider two sites in Kansas as the location for this new federal laboratory.

WHEREAS, Homeland Security Presidential Directive 9 has tasked the Secretary of the Department of Homeland Security to coordinate “countermeasure research and development of new methods for detection, prevention technologies, agent characterization, and dose relationships for high-consequence agents;” and

WHEREAS, At present there are no facilities in the United States that have adequate containment, security, equipment and infrastructure to meet the requirements identified in Presidential Directive 9; and

WHEREAS, To meet this need, the Department of Homeland Security and its federal partners initiated plans for a National Bio and Agrodefense Facility (NBAF); and

WHEREAS, The NBAF will enhance protection from both natural and intentional threats by modernizing and integrating high- biosecurity facilities, thus enhancing our nation’s capacity to assess potential threats to humans and animals alike; and

WHEREAS, The Department of Homeland Security is seeking a location to build the \$451 million, 500,000 square foot, NBAF facility; and

WHEREAS, The State of Kansas pledges its support for the funding and construction of the NBAF to address the needs of Kansas and the nation to protect human and animal health from both naturally occurring and intentionally introduced disease threats; and

WHEREAS, Kansas is the ideal location for the NBAF. Kansas is a world leader in bioscience, especially in the areas of animal health and vaccines, infectious diseases and food safety, and has an exceptionally well qualified workforce; and

WHEREAS, Two sites in Kansas, one in Manhattan and one in Leavenworth, are actively under consideration by the Department of Homeland Security to site the NBAF facility; and

WHEREAS, The State of Kansas has already demonstrated its strong support for the siting of the NBAF in Kansas, as Governor Kathleen Sebelius and the Kansas Bioscience Authority have taken the initiative to create a task force of prominent industry leaders, public officials, including the entire Kansas Congressional Delegation, representatives from the Kansas Legislature, producer groups and leaders of prominent academic institutions to lead Kansas' bids for the NBAF; and

WHEREAS, The State of Kansas has a long-standing commitment of supporting biosecurity research in partnership with the federal government. Most recently, Kansas and the federal government invested \$54 million in the nation's most modern biosecurity laboratory, the Biosecurity Research Institute at Kansas State University; Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein:* That the Kansas Legislature pledges its support for Kansas State University, the City of Manhattan and the City of Leavenworth in their bids to site the U.S. Department of Homeland Security's National Bio and Agrodefense Facility, and that the Legislature commits to do everything in its power and ability to provide any support necessary in order for the NBAF to be constructed in Kansas; and

*Be it further resolved:* That the Kansas Legislature strongly encourages the U.S. Department of Homeland Security to consider Kansas' existing building and security infrastructure, and the human resources already in place that make Kansas a natural fit for the location of this new federal laboratory; and

*Be it further resolved:* That the Secretary of State be directed to send enrolled copies of this resolution to President Bush, Vice President Cheney, Secretary Chertoff of the U.S. Department of Homeland Security, Secretary Johanns of the U.S. Department of Agriculture, Secretary Leavitt of the U.S. Department of Health and Human Services, each member of the Kansas Congressional Delegation and Governor Kathleen Sebelius.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 30, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

