

# Journal of the House

TWENTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 5, 2007, 9:45 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.  
The roll was called with 123 members present.  
Reps. McCray-Miller and Sawyer were excused on excused absence by the Speaker.  
Prayer by guest chaplain, the Rev. Barb Sundermeyer, pastor, Family Life Church of the Nazarene, Topeka:

Heavenly Father,  
Busy minds stand before me in this room, ready to tackle a week of work.  
But before they do, I pray each one will hear the words of wise King Solomon.  
That each legislator will apply his prayer to their lives...and ultimately for the  
lives of all Kansans, as they focus on what is before them this week:

*From the Holy Bible, 1 Kings, chapter 3 and verse 3:*

“King Solomon loved the Lord and followed all of his father King David’s instructions...(vs.5) The Lord appeared to him in a dream and told him to ask for anything he wanted, and it would be given to him.”  
Solomon replied:

(vs. 9) “Give me an understanding mind so that I can govern your people well and know the difference between what is right and what is wrong. For who by themselves is able to carry such a heavy responsibility?”

Father, you were pleased with Solomon’s prayer. May you also be pleased with the lives of each who stand in this House that ask to govern with an understanding mind and to know the difference between what is right and what is wrong for our Great State. For who among this collected group is able to carry such a heavy responsibility without you?

I pray this in the name of Jesus the Christ, Amen.

*(Scripture from The Living Bible, Tyndale House Publishers)*

The Pledge of Allegiance was led by Rep. Goyle.

It being the hour in accordance with **HCR 5010** to meet in joint session with the Senate to hear the message of United States Senator Pat Roberts, Reps. Wilk, Landwehr and Loganbill escorted President Morris and members of the Senate to seats in the House.

Reps. O’Neal, Powell and Ballard and Senators Wilson and Lee escorted Senator Roberts to the rostrum.

There being no objection, the following remarks of Senator Roberts are spread upon the journal:

**ADDRESS OF UNITED STATES SENATOR PAT ROBERTS  
TO THE JOINT SESSION OF THE  
2007 LEGISLATURE**

Speaker Neufeld, President Morris, Lt. Governor Parkinson, Minority Leaders McKinney and Hensley, distinguished members of the Kansas House and Senate, my friend and colleague, First District Representative Jerry Moran, fellow Kansans: It is a distinct honor to

appear before you today to discuss one of the most exciting scientific and economic development opportunities ever to come before the state of Kansas.

Rarely do we have the opportunity to work together on a project so large, that we can honestly say it has the potential to impact the lives of all Kansans, our children and grandchildren, and the economy of the state for years to come. I am here today to discuss such a once in a generation opportunity.

Kansas is currently one of 12 states, encompassing 18 sites nationally, under consideration by the Department of Homeland Security for selection as the future home of the National Bio and Agro-Defense Facility. This competition is so fierce that I understand we have guests in the balcony from other competing states, monitoring these remarks. Let me welcome you to Kansas. Take good notes. Spend money. Wear a warm coat.

And let's just let them in on a little secret. Well over a year ago, in 2005, when Congress first put money in the budget for this project, I saw the opportunity and began to visit with Kansas officials about the possibility of bringing this facility to the state. Now, 2 years later, we have developed strong partnerships across this state, and we are off to a very promising start.

Kansas has proposed that this new research center, which will replace the aging federal lab located on Plum Island adjacent to New York, be located in either Manhattan or Leavenworth.

Let me be clear: This facility will be the premier biosecurity research laboratory in the nation and the world. It will be a \$451 million, 500,000 square foot building that will create as many as 500 high paying, scientific federal jobs in the state of Kansas - not to mention the additional jobs it would create through additional research partnerships in the state.

Over a 20 year period, it is estimated that the facility would have a \$3.5 billion impact on the Kansas economy. That is billion with a "B." And, the four to five year construction time line for the facility is expected to create 1,500 construction jobs.

The building will be one of the most technologically advanced labs in the world. It would be a gem on the Kansas prairie.

We cannot underestimate the tremendous economic impact this facility would have on Kansas, nor the effect it would have on high level, scientific and bioscience research throughout the region.

The Department of Homeland Security will visit the sites currently under consideration this spring and will name the finalists for the facility this summer. We can look forward to the announcement of the final site in late summer or early fall 2008.

While the competition for this facility will be tough - and I don't want to downplay the work or the challenge that is ahead of us - I can say with complete confidence that Kansas is already well positioned to compete.

We have a state heavily invested in the agriculture economy with a long standing history of supporting research to better this industry.

The Kansas City area has an animal health and life sciences corridor that is second to none with over 125 companies, 37 with global headquarters located in the area. This number includes 4 of the 10 largest global animal health companies in the world. Together, all these companies represent 27 percent of total U.S. sales and 30 percent of global sales in a \$14.2 billion animal health market.

There is no location in the world that is doing more advanced research in the areas of animal health and vaccine research. And, there are no other sites in the nation, under consideration, that have such an agricultural and animal research base already in place that can serve as the foundation for this building.

In addition, Kansas has already shown that it is committed to this level of research through the recent construction of the Biosecurity Research Institute at Kansas State and the new Life Sciences Innovation Center at the University of Kansas Medical Center.

Not only have we demonstrated that we are supportive of this type of facility, we have shown that we know how to build it on time and on budget. This is what Kansas accomplished with the \$54 million Biosecurity Research Institute building at Kansas State. No other state in the nation can make a similar claim or statement.

I mention these facts because it has been made clear to me by Homeland Security officials that one of the biggest factors in locating this new facility will be community, state and local support.

Given that there is strong competition from other locations, the current advantage and support we enjoy on this front is one we must maintain. To do so will take a coordinated effort on a daily basis.

This is why I am so pleased with the work of the Kansas Bioscience Authority on behalf of this endeavor. The actions of our Bioscience Authority will be crucial as we move forward, and I thank our Chairman Clay Blair and our President and CEO Tom Thornton for their efforts on this front.

I also applaud Governor Sebelius for making clear in her State of the State address that landing the National Bio and Agro-Defense Facility is the number one bioscience priority for the state.

As a result, Governor Sebelius has established a Blue Ribbon Task Force to help the bioscience authority lead this effort. I am honored that she has asked me to serve as the Honorary Chairman of the task force, and I accept that task enthusiastically. I look forward to working with Lt. Governor Parkinson, Former Agriculture Secretary Dan Glickman, and former Governor John Carlin. This is truly a bi-partisan effort.

As the Honorary Chair, I pledge to you and all Kansans my commitment to continuing my efforts on the federal level to bring the National Bio and Agro-Defense Facility to Kansas.

This past November I expressed to Department of Homeland Security Secretary Michael Chertoff the strong advantages of locating this new federal lab in Kansas. The merits are on our side.

In January, we hosted the Homeland Security Advisor for Department of Agriculture Secretary Johanns (Joe-Hanns) here in Kansas and demonstrated the state's existing capabilities with a tour of the facility in Manhattan.

And today, in fact, a member of my staff is helping to host a top official from the Department of Homeland Security who is getting briefed on our state's proposal.

The reason for these visits is simple. I want to showcase everything Kansas has to offer. There is no doubt in my mind we are the best possible site for this research lab. The merits are on our side.

This is the same approach we used during the military base closing process when we invited numerous Defense Department officials to tour our Kansas military installations. We put together a great team. It worked then, and I am convinced it can work again.

It is important that we continue to emphasize all of our important attributes. Included is our heartland location. This attribute is important for two key reasons.

First, we are located in the center of agriculture country. If you are going to conduct security research on ways to protect agriculture and food security in this country, and throughout the world, you ought to put the facility where you can work with the people most directly involved and experienced in the industry - not somewhere on the east or west coasts.

Second, our location means that you can fly to virtually anywhere in the United States in three hours or less. If you want to coordinate national research, it only makes sense to build the facility in an area that is centralized to researchers throughout the nation.

While our central location and past state support in financing the building of the Biosecurity Research Institute are both important, there is another vital fact that we must continue to emphasize and re-emphasize with those that will make this decision.

Kansas is one of the few areas under consideration, if not the only one, where a facility is already available that the Department of Homeland Security could walk into and begin research in 2008 - a full five to seven years ahead of the construction schedule that will otherwise take place. The merits are on our side.

Current Homeland Security plans call for keeping the Plum Island facility in operation while construction on the new lab, currently scheduled to be completed between 2013 and 2015, occurs. The Plum Island facility is in serious need of repairs. The possibility of closing it early should appeal to the federal government.

If Kansas is chosen, regardless of which site was selected, Leavenworth or Manhattan, we have the capability to provide a first class, brand new facility for agriculture and food security research where research can begin almost immediately. No other state can offer that incentive. The merits are on our side.

While we have much working in our favor, we must realize that there are no guarantees in this competition. All states are competing just as hard as Kansas and landing the site will be difficult for any finalist.

We have to put a proposal and the incentives on the table that proves Kansas will support this effort. That means financial incentives — in the form of local cost share proposals by Leavenworth and Manhattan. In fact, this is a requirement that the Department of Homeland Security has included for the competition.

This is an area where I believe the Kansas Bioscience Authority can, and will, step up to help these communities provide the backing necessary to bring this lab to Kansas.

The key point is that the Department of Homeland Security needs to know Kansas is serious about its commitment to the National Bio and Agro-Defense Facility and has a plan to get the job done.

The Kansas Bioscience Authority will be working with these communities to put together a proposal that leaves no doubt we are serious, and if necessary, we must all be willing to do what it takes to stand together as Kansans, and back them up.

Yes, a plan such as this will take resources. But, that should not stop us. Just remember: the merits are on our side.

I want to be clear that I am not here today asking the Kansas Legislature to appropriate funds for this effort. You have already done your part.

Six years ago, I stood before a joint session of the Kansas House and Senate Appropriations Committees. At that time, I said that Kansas was at risk of losing its ability to compete for high tech and scientific jobs due to a lack of world class research facilities at our state universities.

I challenged you then to make the commitments necessary to make Kansas a player in these areas, along with President Beggs of WSU, Chancellor Hemenway of KU and President Wefald of KSU-and with Senator Steve Morris and Representative Kenny Wilk riding shotgun.

And, you did just that. In large part, due to your actions, the Biosecurity Research Institute was built at Kansas State, the Life Sciences Innovation Center at KU Med Center was recently completed, and an aviation research facility is planned at Wichita State.

I am absolutely convinced that the fact that Kansas remains under consideration for this facility is in no small part due to the commitment of the Kansas legislature and our Kansas universities to build these world class facilities.

Because of your actions and willingness to support the construction of these buildings, we have the opportunity to be considered for this important federal laboratory.

There is no doubt. Securing this facility would be one of, if not the greatest economic development initiatives in state history.

It will spur research and development that will expand existing research, while creating new avenues for the life sciences, agriculture, security and technological research and innovation in Kansas.

It will mean jobs. And, they will be the kind of jobs that will encourage our young people to stay in Kansas and increase their standard of living. It is a key to the economic future of Kansas.

If it happens, future generations of Kansans will have economic opportunities available to them that are currently unimaginable or available only outside the border of Kansas.

We must seize the moment. I ask you to join me, Governor Sebelius, Speaker Neufeld and President Morris, Leaders McKinney and Hensley, the Task Force, Lt. Governor Parkinson, the Kansas Congressional Delegation, the Kansas Bio-Science Authority and all Kansans in working to bring this facility to Kansas.

It will not be an easy task. But, it can be done. The merits are on our side.

Speaker Neufeld, President Morris, it has been my honor and privilege to speak here today and I thank you for this opportunity.

Let us work together for the future of this great state.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2380**, An act concerning counties; relating to foreclosure and sale of real estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and repealing the existing sections, by Committee on Judiciary.

**HB 2381**, An act concerning criminal procedure; relating to the collection of DNA specimens; amending K.S.A. 2006 Supp. 21-2511 and repealing the existing section; also repealing K.S.A. 2006 Supp. 21-2511a, by Committee on Judiciary.

**HB 2382**, An act concerning civil procedure; relating to orders for protection from abuse; amending K.S.A. 60-3112 and repealing the existing section, by Committee on Judiciary.

**HB 2383**, An act authorizing the state fair board to convey certain land in Reno county to the city of Hutchinson, by Representative O'Neal.

**HB 2384**, An act concerning criminal procedure; relating to identifiers for alleged offenders; amending K.S.A. 21-2501 and K.S.A. 2006 Supp. 21-2511 and 75-724 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 21-2511a, by Committee on Judiciary.

**HB 2385**, An act concerning retirement; relating to the Kansas public employees deferred compensation act; transferring certain powers, duties and functions thereunder to the board of trustees of the Kansas public employees retirement system; administration of deferred compensation plan; abolishing the administrative oversight committee on deferred compensation; amending K.S.A. 74-4909, 75-5528, 75-5529, 75-5529a and 75-5529b and K.S.A. 2006 Supp. 74-4911f, 75-5520a, 75-5521, 75-5523, 75-5524 and 75-5525 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 75-5529c, by Joint Committee on Pensions, Investments and Benefits.

**HB 2386**, An act designating little bluestem (*schizachyrium scoparium*) as the state grass of Kansas, by Committee on Economic Development and Tourism.

**HB 2387**, An act creating the health care for senior fund; concerning the disposition of a sales tax and compensating use tax proceeds; prescribing certain powers, duties and functions for the secretary of aging and secretary of revenue; amending K.S.A. 2006 Supp. 79-3620 and 79-3710 and repealing the existing sections, by Representatives Gordon, Bethell, Carlin, Crow, Dahl, Faust-Goudeau, Feuerborn, Henry, Horst, Huntington, Kelsey, Lane, McLachlan, Merrick, Judy Morrison, Jim Morrison, Olson, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn and Worley.

**HB 2388**, An act concerning the state long-term care ombudsman; amending K.S.A. 2006 Supp. 75-7301 and repealing the existing section, by Representatives Gordon, Bethell, Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Dahl, Faust-Goudeau, Feuerborn, Flaherty, Gatewood, Grant, Henry, Horst, Huntington, Kelsey, Kiegerl, Kinzer, Lane, Lukert, Mah, McLachlan, Merrick, Jim Morrison, Judy Morrison, Olson, Owens, Pottorff, Sharp, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn and Worley.

**HB 2389**, An act concerning school districts; relating to charter schools; amending K.S.A. 2006 Supp. 72-1906 and 72-1907 and repealing the existing sections, by Committee on Education.

**HB 2390**, An act providing for improved security for drivers' licenses and identification cards in compliance with the federal REAL ID Act of 2005; giving the secretary of revenue authority to appoint law enforcement officers to enforce certain laws; giving the secretary of revenue authority to issue subpoenas in the investigation of driver's or identification card fraud; amending K.S.A. 8-234a, 8-246, 8-249, 8-250, 8-1326 and 8-1332 and K.S.A. 2006 Supp. 8-240, 8-243, 8-247, 8-2,135, 8-1324, 8-1325, 74-2012 and 74-5602 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

**HB 2391**, An act concerning grain commodity commissions; relating to assessments and refunds; amending K.S.A. 2006 Supp. 2-3007 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2392**, An act concerning registration requirements of pharmacy and wholesale distribution of drugs; amending K.S.A. 65-1655 and K.S.A. 2006 Supp. 65-1643 and repealing the existing sections, by Committee on Health and Human Services.

**CORRECTION OF REFERENCE**

Speaker Neufeld announced **HB 2372** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Judiciary, should be corrected to be referred to Committee on Federal and State Affairs.

Also, **HB 2366** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Economic Development and Tourism, should be corrected to be referred to Committee on Commerce and Labor.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Agriculture and Natural Resources: **HB 2353**.

Appropriations: **HB 2352, HB 2368**.

Commerce and Labor: **HB 2379**.

Economic Development and Tourism: **SB 38**.

Education: **HB 2369**.

Elections and Governmental Organization: **HB 2356, HB 2357, HB 2364; SB 65, SB 99**.

Federal and State Affairs: **HB 2367, HB 2370; HCR 5012, HCR 5014**.

Health and Human Services: **HB 2351, HB 2355, HB 2376; HCR 5011; HR 6006**.

Insurance and Financial Institutions: **HB 2378**.

Judiciary: **HB 2354, HB 2359, HB 2360, HB 2363, HB 2377; SB 14**.

Taxation: **HB 2350, HB 2361, HB 2362, HB 2371; HCR 5013; SB 34**.

Transportation: **HB 2358, HB 2365, HB 2373, HB 2374, HB 2375; SB 9**.

**MESSAGE FROM THE GOVERNOR**

September 25, 2006

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-11 for your information.

EXECUTIVE ORDER No. 2006-11

Concerning the Kansas National Guard

KATHLEEN SEBELIUS  
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

October 9, 2006

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-12 for your information.

EXECUTIVE ORDER No. 2006-12

Concerning Kansas Public Schools

KATHLEEN SEBELIUS  
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

December 8, 2006

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-13 for your information.

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EXECUTIVE ORDER No. 2006-13  
Concerning Energy Production

KATHLEEN SEBELIUS  
*Governor*

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

December 28, 2006

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2006-14 for your information.

EXECUTIVE ORDER No. 2006-14  
Concerning National Day of Mourning for President Gerald Ford

KATHLEEN SEBELIUS  
*Governor*

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

**MESSAGE FROM THE GOVERNOR**

January 29, 2007

*Message to the House of Representatives of the State of Kansas:*

Enclosed herewith is Executive Order No. 2007-01 for your information.

EXECUTIVE ORDER No. 2007-01  
Concerning Creation of the Kansas National Bio and Agrodefense Facility Task Force

KATHLEEN SEBELIUS  
*Governor*

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

**COMMUNICATIONS FROM STATE OFFICERS**

From Judge Frank J. Yeoman, Jr., Board of Directors, Kansas Guardianship Program, 2006 Annual Report.

From Dr. Marcia J. Nielsen, Executive Director, Kansas Health Policy Authority (KHPA), in accordance with subsection (m) of section 35 of Chapter 216 of the 2006 Session Laws of Kansas, report on Massachusetts Commonwealth Health Insurance Connector Program, presented to 2007 Kansas Legislature, February 1, 2007.

The complete reports are kept on file and open for inspection in the office of the Chief Clerk.

**CONSENT CALENDAR**

No objection was made to **HB 2181**, **HB 2182** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2161** appearing on the Consent Calendar for the second day.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2037**, An act concerning income taxation; relating to credits and deductions; energy efficiency expenditures, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, 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, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, 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, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McCray-Miller, Sawyer.

The bill passed, as amended.

**HB 2038.** An act concerning nuclear power plants; concerning siting permits; providing certain property tax exemptions; amending K.S.A. 66-1,158, 66-1,159, 66-1,159a, 66-1,161, 66-1,162, 66-1,169a and 66-1,169b and K.S.A. 2006 Supp. 66-1,160 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 28; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Faust-Goudeau, Frownfelter, Fund, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Mah, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Henderson, Henry, Lukert, McKinney, McLachlan, Menghini, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Storm, Treaster, Trimmer, Ward, Wetta, Winn.

Present but not voting: None.

Absent or not voting: McCray-Miller, Sawyer.

The bill passed, as amended.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2038**. This legislation for the addition of new nuclear electric generation in Kansas will reduce the dependency on fossil fuels in the United States. To date, all the proposed new nuclear electric generation plants are being proposed in other states. New nuclear electric generation in Kansas will help reduce global warming gases being introduced into the atmosphere and provide economic development for Kansas.—  
CARL D. HOLMES, RAY MERRICK

**HB 2066.** An act concerning electric transmission lines; relating to extension and upgrades of such lines; amending K.S.A. 66-1,170, 66-1,173 and 66-1,182 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 1; Absent or not voting: 2.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, 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, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: Svaty.

Absent or not voting: McCray-Miller, Sawyer.

The bill passed, as amended.

**HB 2152**, An act concerning the commission on emergency planning and response; amending K.S.A. 2006 Supp. 65-5721 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

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, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, 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, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, 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, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: McCray-Miller, Sawyer.

The bill passed.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Gordon in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. Gordon, Committee of the Whole report, as follows, was adopted: Recommended that **SB 36** be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Energy and Utilities** recommends **HB 2220** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Energy and Utilities** recommends **HB 2033** be amended on page 2, after line 4, by inserting "(4) Nothing in this subsection (b) shall be construed to preclude the state corporation commission, either on the commission's initiation of a docket or in a utility rate proceeding, from reviewing whether expenditures for public utility property were efficient and prudent."; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2127** be amended on page 1, in line 33, by striking all after "means"; by striking all in line 34; in line 35, by striking all before "any";

On page 2, in line 3, following the period by inserting "Such generator shall be appropriately sized for such customer's anticipated electric load."; also in line 3, by striking "shall include" and inserting "who uses"; in line 4, by striking all after "pumps"; in line 5, by

striking “cial customer”; in line 7, by striking “Such” and inserting “At the customer’s delivery point on the customer’s side of the retail meter such”;

On page 3, in line 1, following the period, by inserting “Upon notification by the customer of the customer’s intent to construct and install parallel generation, the utility shall provide the customer a written estimate of all costs that will be incurred by the utility and billed to the customer to accommodate the interconnection.”; in line 9, following “number” by inserting “and size”; in line 10 following “system” by inserting “due”; in line 11 following “connected” by inserting “, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility’s peak power requirements”; in line 13, following “subject to” by inserting “either”; in line 15, following “system” by inserting “, or the current federal energy regulatory commission interconnection procedures and regulations”; following line 19, by inserting:

“(f) The governing body of any school desiring to proceed under this section shall, prior to taking any action permitted by this section, make a finding that either: (1) Net energy cost savings will accrue to the school from such renewable generation over a 20-year period; or (2) that such renewable generation is a science project being conducted for educational purposes and that such project may not recoup the expenses of the project through energy cost savings. Any school proceeding under this section may contract or enter into a finance, pledge, loan or lease-purchase agreement with the Kansas development finance authority as a means of financing the cost of such renewable generation.

(g) For the purpose of meeting the governor’s stated goal of producing 10% of the state’s electricity by wind power by 2010 and 20% by 2020, the parallel generation of electricity provided for in this section shall be included as part of the state’s energy generation by wind power.

New Sec. 2. (a) For the purpose of financing the construction and installation of a renewable generator to be used by a school for parallel generation in accordance with K.S.A. 66-1,184, and amendments thereto, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction and installation, including any required interest on the bonds during construction and installation, plus all amounts required for costs of the bond issuance and for any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable from revenues derived from sales of electricity generated by the renewable generator pursuant to K.S.A. 66-1,184, and amendments thereto, or from any other revenues available to be pledged by the Kansas development finance authority for such purpose.

(b) The provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, shall not prohibit the issuance of bonds by the Kansas development finance authority for the purposes of this section and any such issuance of bonds is exempt from the provisions of subsection (a) of K.S.A. 74-8905, and amendments thereto, which would operate to preclude such issuance.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.”;

On page 7, in line 12, by striking “thermal.”;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 10, following the semicolon, by inserting “providing for issuance of bonds for certain purposes.”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2169** be amended on page 3, in line 11, by striking “secretary of”; in line 12, by striking “administration” and inserting “state corporation commission”;

On page 4, in line 12, by striking all after “the”; in line 13, by striking “ignee,” and inserting “state corporation commission”; in line 15, by striking “secretary of administration” and inserting “state corporation commission”; in line 16, by striking “secretary of administration”

and inserting “state corporation commission”; in line 43, by striking “secretary of administration” and inserting “state corporation commission”;

On page 5, in line 5, by striking “secretary of adminis-”; in line 6, by striking “tration” and inserting “state corporation commission”; in line 7, by striking “secretary” and inserting “state corporation commission”; in line 21, by striking “sec-”; in line 22, by striking “retary of administration” and inserting “state corporation commission”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2240** be amended on page 5, in line 35 following “building” by striking the last “or” and inserting a comma; in line 36, following “facility” by inserting “or utility structure”; in line 37 following “loading” by inserting “and attendant winds”;

On page 6, in line 2, following “line” by inserting “and appurtenances”; in line 3, by striking “natural gas or electric public utility;”; in line 7, by striking “and”; after line 9, by inserting:

“(5) “utility structure” shall mean transmission and distribution lines and appurtenances owned by an independent transmission company or cooperative, the Kansas electric transmission authority or natural gas or electric public utility; and

(6) “windstorm” shall mean straight line winds of at least 80 miles per hour as determined by a recognized meteorological reporting agency or organization;” and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2031** be passed.

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 were thereupon introduced and read by title:

**HB 2393**, An act concerning municipal courts; relating to collection of fines, restitution and other costs, by Committee on Judiciary.

**HB 2394**, An act concerning landlords and tenants; relating to residential rental agreements; amending K.S.A. 58-2548, 58-2550 and 58-2570 and repealing the existing sections, by Committee on Judiciary.

**HB 2395**, An act concerning the department on aging; relating to the senior services fund; creating the health care for seniors fund; disposition of certain additional tobacco litigation settlement proceeds; prescribing certain powers, duties and functions for the secretary of aging; amending K.S.A. 38-2101 and repealing the existing section, by Representatives Gordon, Bethell, Brown, Carlin, Colloton, Crow, Dahl, Faust-Goudeau, Feuerborn, Henry, Horst, Huntington, Kelsey, Kinzer, Lane, Mah, McLachlan, Merrick, Jim Morrison, Judy Morrison, Olson, Siegfried, Sloan, Spalding, Storm, Tafanelli, Williams, Winn, K. Wolf and Worley.

**HB 2396**, An act concerning the death penalty; relating to cognitive disability; amending K.S.A. 21-4634 and K.S.A. 2006 Supp. 21-4624 and 21-4635 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 21-4623, by Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 6, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

