

Journal of the House

FOURTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Topeka, KS, Thursday, January 17, 2008, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 119 members present.
Rep. Johnson was excused on verified illness.
Rep. C. Holmes was excused on legislative business.
Reps. Burroughs, George, Kiegerl and Powers were excused on excused absence by the Speaker.

Prayer by: Chaplain Brubaker

Our Loving Heavenly Father:

Have mercy on *us* . . . according to your unfailing love; according to your great compassion, blot out *our* transgressions, wash away all *our* iniquity and cleanse *us* from *our* sin . . . surely you desire truth in the inner parts; you teach *us* wisdom in the inmost place . . . create in *us* a pure heart, O God, and renew a steadfast spirit within *us* . . . the sacrifices of God are a broken spirit; a broken and contrite heart. (Ps 51: 1-2; 6, 10, 17)

We pray this prayer from the Psalms with open hearts before you, O Lord.
Amen.

The Pledge of Allegiance was led by Rep. Faust-Goudeau.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolutions were introduced and read by title:

HB 2627, An act concerning certain property tax abatements by cities and counties, by Committee on Elections and Governmental Organization.

HB 2628, An act concerning townships; amending K.S.A. 80-109 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2629, An act concerning fire districts in Johnson county and city annexation; amending K.S.A. 19-3623f and repealing the existing section, by Representative Merrick.

HB 2630, An act concerning housing; creating the housing rehabilitation capital loan guarantee program; establishing the senior housing assistance and housing rehabilitation capital loan guarantee fund; making and concerning appropriations for the Kansas housing resources corporation for the fiscal years ending June 30, 2008 and June 30, 2009, by Representative King

HB 2631, An act concerning cities; requiring arbitration of claims of individuals in certain circumstances, by Representative Brown.

HB 2632, An act concerning the Kansas corporation commission; relating to energy efficiency, conservation and demand management programs; amending K.S.A. 2007 Supp. 74-616 and repealing the existing section, by Committee on Energy and Utilities.

HB 2633, An act concerning counties; relating to approval of wind power generation facilities; amending K.S.A. 19-101a and repealing the existing section, by Committee on Energy and Utilities.

HB 2634, An act concerning telecommunications; relating to the state corporation commission; establishing the broadband deployment assistance program; amending K.S.A. 2007 Supp. 66-2010 and repealing the existing section, by Committee on Energy and Utilities.

HB 2635, An act establishing a water sustainability review process and implementation thereof; amending K.S.A. 74-2608 and K.S.A. 2007 Supp. 74-2622 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2636, An act concerning the Kansas biological survey; relating to treatment of non-potable waters in Kansas; amending K.S.A. 76-338 and repealing the existing section, by Committee on Energy and Utilities.

HB 2637, An act concerning telecommunications; relating to pricing flexibility and the lifeline service program; amending K.S.A. 66-2006 and K.S.A. 2007 Supp. 66-2005 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2638, An act concerning the location and mapping of underground water and wastewater facilities, by Committee on Energy and Utilities.

HB 2639, An act establishing the energy resources commission; relating to powers and duties thereof, by Committee on Energy and Utilities.

HB 2640, An act concerning income taxation; relating to credits; capital investments in businesses located in a city substantially damaged by disaster, by Committee on Taxation.

HB 2641, An act concerning income taxation; relating to property taxes paid by certain taxpayers; amending K.S.A. 2007 Supp. 79-32,117 and repealing the existing section, by Committee on Taxation.

HB 2642, An act concerning the commission on judicial performance; relating to access to court records; immunity from liability; amending K.S.A. 20-3204, 20-3205, 20-3206, 25-4169a, 59-2122, 60-3104 and 60-31a04 and K.S.A. 2007 Supp. 38-2211, 38-2309 and 59-2979 and repealing the existing sections, by Committee on Judiciary.

HB 2643, An act concerning civil procedure; relating to answers of garnishment; amending K.S.A. 60-736 and repealing the existing section, by Committee on Judiciary.

HB 2644, An act concerning conservators and guardians; relating to the appointment thereof; amending K.S.A. 59-3056, 59-3058, 59-3061, 59-3062, 59-3068 and 58-3069 and K.S.A. 2007 Supp. 59-3059, 59-3060 and 59-3083 and repealing the existing sections, by Committee on Judiciary.

HOUSE CONCURRENT RESOLUTION No. 5027—

By Committee on Energy and Utilities

A CONCURRENT RESOLUTION urging development of electric transmission lines for energy security and economic development.

WHEREAS, Kansas is rich with developable generation resources; and

WHEREAS, Electric generation provides economic opportunity to Kansas communities; and

WHEREAS, Transmission lines are needed to deliver this electricity to markets in Kansas and other states; and

WHEREAS, Policies of the Southwest Power Pool have a significant impact on the construction and operation of transmission lines; and

WHEREAS, There are significant uncertainties in future electric generation resource costs and attributes; and

WHEREAS, A robust transmission system reduces risk and serves customers under multiple future generation scenarios and directly leads to economic development opportunities; and

WHEREAS, Ice and snow storms in Kansas have demonstrated the value and need for a more robust transmission system for energy security and reliability: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Southwest Power Pool, Federal Energy Regulatory Commission, Regional State Committee, and transmission stakeholders including operators and transmission dependent utilities should support “Postage Stamp” rates and broad-based cost recovery mechanisms for high voltage transmission operations; and

Be it further resolved: That the Southwest Power Pool shall recognize the enhanced system capacity, reliability, and security of a more robust transmission system by calculating system needs not only on a N-1 basis, but by including measures of robustness, including redundancy and economic generation potential; and

Be it further resolved: That the Southwest Power Pool move quickly to consolidate balancing and control areas to increase transmission system transparency and efficiency, and to reduce operating costs; and

Be it further resolved: That the Southwest Power Pool expedite the development of broad-based cost recovery mechanisms to reduce the time devoted to recalculating benefits multiple times for potential transmission routes as study participants withdraw their interests and commitments; and

Be it further resolved: That the Southwest Power Pool address expeditiously the needs of independent transmission companies and transmission dependent utilities to have greater access to the planning and operating processes; and

Be it further resolved: That the Southwest Power Pool move quickly to develop the ancillary services market necessary to support the development of large amounts of renewable energy generation; and

Be it further resolved: That the Southwest Power Pool and the Federal Energy Regulatory Commission should recognize and develop broad-based cost recovery mechanisms for extra high voltage transmission lines within and between regional transmission organizations and independent transmission organizations; and

Be it further resolved: That the Kansas Legislature supports transmission cost recovery in retail transmission rates for well-planned transmission lines as a modestly priced insurance policy on energy security for an infrastructure that provides consumer benefits and economic opportunities; and

Be it further resolved: That the Kansas Legislature is committed to assisting the Kansas Corporation Commission, Southwest Power Pool, Regional State Committee, and the Federal Energy Regulatory Commission achieve rate, regulatory, and decision-making certainty within a transparent process to expedite the development of high and extra-high voltage transmission lines for the economic benefit of Kansas, Midwesterners, and Americans at large; and

Be it further resolved: That the Secretary of State is directed to send an enrolled copy of this resolution to the Kansas Corporation Commission, Regional State Commission, Southwest Power Pool Executive Director and Board of Directors, and the Federal Energy Regulatory Commission.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2626**.

Elections and Governmental Organization: **HB 2627**, **HB 2628**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2511** from Committee on Taxation and referral to Committee on Insurance and Financial Institutions.

COMMUNICATIONS FROM STATE OFFICERS

From Kent E. Olson, Director, division of Accounts and Reports, Kansas Department of Administration, Comprehensive Annual Financial Report July 1, 2006 to June 30, 2007; also available online at <http://da.ks.gov/ar/finrept>.

From Kathy Greenlee, Secretary, Kansas Department on Aging, Client Assessment Referral and Evaluation Annual Report for Fiscal Year 2007.

From Tod M. Bunting, Adjutant General, Kansas National Guard, Annual Report for the Adjutant General's Department for 2007.

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

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6005—

By: Committee on Energy and Utilities

A RESOLUTION requesting the state corporation commission to examine current provider of last resort policies.

WHEREAS, Telecommunications capability is important to citizens for accessing government services, educational and health care options and economic opportunities; and

WHEREAS, Telecommunication technologies continue to evolve; and

WHEREAS, Kansas telecommunications consumers desire greater flexibility, reliability and service option from their telecommunications equipment and providers; and

WHEREAS, Kansas provider of last resort policies have not been updated to account for the continuously evolving competitive telecommunications markets and the significant changes in telecommunications technologies; and

WHEREAS, Costs to consumers and availability of telecommunications capabilities and options is dependent on such factors as competitive market forces, the ability of telecommunications providers to recover and earn on their investment through customer charges, service charges or government support (such as KUSF high cost supports): Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the state corporation commission is requested to open a docket to examine the benefits and costs to consumers and telecommunications providers of the current provider of last resort policies; and

Be it further resolved: That the commission is requested to evaluate whether the current provider of last resort policies are equally appropriate and necessary in competitive and in non-competitive exchange markets; and

Be it further resolved: That the commission is requested to evaluate what is the appropriate subsidy level and methodology for determining the need for and rate of subsidization for voice and broadband services in non-competitive voice only exchange markets and exchanges in which broadband service is not available to most customers at a rate of at least 386 kbs in both directions; and

Be it further resolved: That the commission is requested to evaluate whether consumers and providers of last resort will benefit in service quality and cost of service if providers have greater flexibility to replace copper wire-based delivery systems with non-regulated alternative technologies to deliver comparable quality voice services; and

Be it further resolved: That the commission is requested to report the results of its findings and recommendations for policy changes to the house committee on energy and utilities and the senate committees on commerce and utilities by the first day of 2009 legislative session; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the chairperson of the state corporation commission.

REPORT ON ENROLLED RESOLUTIONS

HR 6002, HR 6004 reported correctly enrolled and properly signed on January 17, 2008.

On motion of Rep. Merrick, the House adjourned proforma until 9:00 a.m., Friday, January 18, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

