

# Journal of the House

TWENTY-FIFTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Monday, February 18, 2008, 10:00 a.m.

The House met pursuant to recess with Speaker Neufeld in the chair.  
The roll was called with 118 members present.  
Reps. Crow, Kelley and Storm were excused on verified illness.  
Reps. Aurand and Horst were excused on legislative business.  
Reps. Rhoades and Sawyer were excused on excused absence by the Speaker.  
Present later: Reps. Horst and Rhoades.

Prayer by Chaplain Brubaker:

Our Heavenly Father, today as celebrate the solid foundation of leadership of this great nation, let us pray for ourselves the prayer of our first President, George Washington:

*“Increase my faith in the sweet promises of the gospel; give me repentance from dead works; pardon my wanderings, and direct my thoughts unto thyself, the God of my salvation; teach me how to live in thy fear, labor in thy service, and ever to run in the ways of thy commandments; make me always watchful over my heart, that neither the terrors of conscience, the loathing of holy duties, the love of sin, nor an unwillingness to depart this life, may cast me into a spiritual slumber, but daily frame me more and more into the likeness of thy son Jesus Christ, that living in thy fear, and dying in thy favor, I may in thy appointed time attain the resurrection of the just unto eternal life bless my family, friends, and kindred.”* (—An undated prayer from Washington’s prayer journal, Mount Vernon)

In the name of Christ I pray, Amen.

The Pledge of Allegiance was led by Rep. Phelps.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2908**.  
Commerce and Labor: **HB 2912**.  
Elections and Governmental Organization: **HB 2915**.  
Health and Human Services: **HB 2906, HB 2907, HB 2914**.  
Insurance and Financial Institutions: **HB 2904**.  
Judiciary: **HB 2910**.  
Veterans, Military and Homeland Security: **HB 2905, HB 2913**.  
Education Budget: **HB 2909, HB 2911**.

## CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2650** from Committee on Health and Human Services and referral to Committee on Judiciary.

**COMMUNICATIONS FROM STATE OFFICERS**

From Stephen R. Weatherford, President, Kansas Housing Resources Corporation, Financial Statements for the years ended June 30, 2007 and 2006 and Independent Auditors' Report.

From Deb Miller, Secretary of Transportation, Kansas Department of Transportation 2008 Annual Report, which can be viewed at [www.ksdot.org/publications.asp](http://www.ksdot.org/publications.asp).

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

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 420, SB 426, SB 438, SB 448, SB 461, SB 462, SB 476, SB 477, SB 479, SB 510, SB 522.**

Announcing passage of **HB 2578**, as amended.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

The following Senate bills were thereupon introduced and read by title: **SB 420, SB 426, SB 438, SB 448, SB 461, SB 462, SB 476, SB 477, SB 479, SB 510, SB 522.**

**CONSENT CALENDAR**

Objection was made to **HB 2681** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2665** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2689** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2692** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2692**, An act concerning scrap metal dealers; relating to regulated scrap metal; amending K.S.A. 2007 Supp. 50-6,109 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 1; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, 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, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, 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, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kinzer.

Present but not voting: None.

Absent or not voting: Aurand, Colyer, Crow, Horst, Kelley, Rhoades, Sawyer, Storm.

The bill passed.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Faber, Committee of the Whole report, as follows, was adopted:

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 327** be adopted; also, on motion of Rep. C. Holmes be amended on page 4, by striking all in lines 35 through 43;

On page 5, by striking all in lines 1 through 7;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 25, by striking "11 through 26" and inserting "10 through 25";

On page 7, in line 34, by striking "13" and inserting "12";

On page 8, in line 24, by striking "14" and inserting "13";

On page 9, in line 3, by striking "16" and inserting "15";

On page 10, in line 10, by striking "17" and inserting "16";

On page 11, in line 29, by striking "12" and inserting "11";

Also, on motion of Rep. Powell, **H. Sub. for SB 327** be amended on page 2, by striking all in lines 39 through 43;

By striking all on page 3;

On page 4, by striking all in lines 1 through 34;

And by renumbering the remaining sections accordingly;

On page 5, in line 25, by striking "11 through 26" and inserting "10 through 25";

On page 7, in line 34, by striking "13" and inserting "12";

On page 8, in line 24, by striking "14" and inserting "13";

On page 9, in line 3, by striking "16" and inserting "15";

On page 10, in line 10, by striking "17" and inserting "16";

On page 11, in line 29, by striking "12" and inserting "11";

Also, on motion of Rep. Moxley to amend **H. Sub. for SB 327**, the motion did not prevail.

Also, on further motion of Rep. Moxley, **H. Sub. for SB 327** be amended on page 5, in line 15, by striking all after "year"; by striking all in lines 16 through 24 and inserting "2012 the average annual operating capacity of renewable electric generation facilities of each electric public utility or electric cooperative utility shall equal not less than 5% of the average annual operating capacity of all electric generation facilities of such utility. By the year 2020 the average annual operating capacity of renewable electric generation facilities of each electric public utility or electric cooperative utility shall equal not less than 10% of the average annual operating capacity of all electric generation facilities of such utility.

(b) As used in this section, "renewable electric generation facilities" means facilities generating electricity utilizing renewable energy resources or technologies, as defined in K.S.A. 79-201, and amendments thereto.;

Also, on motion of Rep. Colloton to amend **H. Sub. for SB 327**, the motion did not prevail.

Also, on motion of Rep. Knox, **H. Sub. for SB 327** be amended on page 5, in line 9, after "unit" by inserting "on which construction commenced after January 1, 2008, "; in line 14, by striking "technological practices" and inserting "available control technology"; after line 31 by inserting the following:

"(b) "Best available control technology" means an emissions limitation, including a visible emission standard, based on the maximum degree of reduction for each pollutant subject to regulation under this act which would be emitted from any proposed major stationary source or major modification which the administrator, on a case-by-case basis, taking into account energy, environmental and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. parts 60 and 61. If the administrator determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard or combination thereof, may be prescribed instead to satisfy the requirement for the application of best available control technology. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work

practice or operation, and shall provide for compliance by means which achieve equivalent results.”;

And by relettering the remaining subsections accordingly;

Also, on motion of Rep. Flora, **H. Sub. for SB 327** be amended on page 22, after line 28, by inserting:

“New Sec. 34. (a) As used in this section:

(1) “Affected unit” means any emissions unit which generates electricity in this state and combusts coal in an amount greater than 10% of its total heat input on a rolling 12-month basis and which is a new unit, or is an existing unit that requires a new construction permit pursuant to rules and regulations of the secretary.

(2) “Inlet conditions” means the concentration of mercury in the flue gas exiting the combustion source prior to application of any air pollution control device.

(3) “Mercury” means mercury and mercury compounds in either a gaseous or particulate form.

(b) The secretary of health and environment shall adopt rules and regulations requiring affected units to achieve 80% or greater reduction of mercury from the measured inlet condition of the affected unit.

(c) This section shall be part of and supplemental to the Kansas air quality act.”;

By renumbering remaining sections accordingly;

Also, roll call was demanded on motion of Rep. O’Neal to amend **H. Sub. for SB 327** on page 14, after line 38, by inserting the following:

“(b) It is the policy of this state to prevent the deterioration of air quality in accordance with the following.”;

Also on page 14, in line 39, by striking “(b)”; in line 40, after “below,” by inserting “promulgate any rule and regulation, or”;

On page 15, in line 1, by striking “such act” and inserting “the federal clean air act, as amended”; in line 4 by striking “upon its adoption in accordance with the rules and”; in line 5, by striking “regulations filing act. Nothing” and inserting “after approval by an act of the legislature; provided however, nothing”;

On roll call, the vote was: Yeas 72; Nays 47; Present but not voting: 0; Absent or not voting: 6.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O’Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Phelps, Quigley, Rardin, Ruff, Ruiz, Sloan, Spalding, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Winn, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Crow, Kelley, Peterson, Sawyer, Storm.

The motion prevailed, and **H. Sub. for SB 327** 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 bill was thereupon introduced and read by title:

**HB 2916**, An act relating to salaries, compensation and certain expense allowances for state officers and employees; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, and June 30, 2013; amending K.S.A. 40-102, 46-137a and 46-137b and K.S.A. 2007 Supp. 75-3101, 75-3103,

FEBRUARY 18, 2008

1393

75-3104, 75-3108, 75-3110 and 75- 3111a and repealing the existing section; also repealing K.S. A. 75-5541, by Committee on Appropriations.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

Speaker Neufeld announced the referral of **HB 2916** to Select Committee on State Employee Pay Plan.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 19, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

