

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, February 26, 2009, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.

**OFFICE OF THE GOVERNOR
STATE OF KANSAS
CERTIFICATE OF APPOINTMENT**

I, KATHLEEN SEBELIUS, Governor of the State of Kansas, hereby appoint and commission Donald Navinsky as State Representative, District 40, and authorize this appointee to discharge the duties of this office upon fulfilling all legal requirements.
Signed this 24th day of February, 2009.

KATHLEEN SEBELIUS
Governor

**STATE OF KANSAS
OFFICE OF
SECRETARY OF STATE**

I, RON THORNBURGH, Secretary of State of the State of Kansas, do hereby certify that Donald Navinsky was appointed by the Governor effective February 24, 2009, for the unexpired term Fortieth District of the House of Representatives, to fill the vacancy created by the resignation of Melanie Meier.

IN TESTIMONY WHEREOF, I hereunto subscribed my name and caused to be affixed my official seal this 25th day of February, A.D. 2009.

RON THORNBURGH
Secretary of State

The House is now organized with 125 members.

The roll was called with 123 members present.

Reps. Henry and Tafanelli were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

This has been a couple of rough weeks.
Decisions are being made that in no way
can make everyone happy.
The reality is that making everyone happy
is not the ultimate goal.

The goal we each want to reach is
that which Your Word gives to us,
“. . . to act justly and to love mercy
and to walk humbly with your God.”
(Micah 6:8)

Therefore, we will do what you ask us to do

in the words of Your prophet, Jeremiah,
 “Stand at the crossroads and look. . .
 ask where the good way is, and walk in it,
 and *(we)* will find rest for *(our)* souls.”
 (Jeremiah 6:16)

In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Gordon.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2354, An act concerning certain claims against the state, making appropriations, authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain disbursements, procedures and acts incidental to the foregoing, by Committee on Appropriations.

HB 2355, An act imposing a limitation on the issuance of certain bonds issued by the Kansas development finance authority; establishing a maximum on state general fund bonded debt; prescribing certain powers, duties and functions with respect thereto, by Committee on Appropriations.

HB 2356, An act concerning child care facilities; amending K.S.A. 65-504 and 65-512 and repealing the existing sections, by Committee on Appropriations.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick, **HR 6014**, by Reps. O’Neal and Davis, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6014—

A RESOLUTION relating to assignment of seats of the House of Representatives.

Be it resolved by the House of Representatives of the State of Kansas: That the members of the 2009 regular session shall occupy the same seats assigned pursuant to 2009 House Resolution No. 6005 with the following exception: Navinsky, seat No. 92.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Grant, **HR 6012**, A resolution congratulating the Pittsburg State University assistant head football coach and offensive coordinator Tim Beck, was adopted.

The following remarks were addressed to members of the House by Rep. Menghini:

Mr. Speaker I would like to introduce part of the Pittsburg State University family: Dr. Tom Bryant, President; Mr. John Patterson, Vice President; Dr. Steve Scott, Provost; Dr. Howard Smith, Assistant to the President; Coach Broyles lovely wife Helen, and the other members of the Gorilla Nation, welcome to Topeka.

It is my pleasure to introduce to you, two outstanding coaches from Pittsburg State University. Assistant Coach and Offensive Coordinator Tim Beck and Head Coach and Athletic Director Chuck Broyles.

2008 FootballScoop.com Division II Coordinator of the Year *Pittsburg State University assistant head football coach/offensive coordinator Tim Beck has been named the 2008 FootballScoop.com NCAA Division II Coordinator of the Year. Beck was nominated by his peers and was selected by a panel of former coaches and players for the inaugural award. Beck has served as offensive coordinator at his alma mater for 15 seasons (1994-2008).

In the last five seasons (2004-08), Beck’s option offense has scored 2,902 points (44.6 points pg) and compiled 32,559 total yards (500.9 yards pg), ranking either No. 1 or No. 2 nationally in both scoring and total offense in three of the last five seasons.

In 2004, Beck’s offense staked its claim as the most prolific unit in the history of NCAA football, leading Division II in scoring (55.8 ppg), rushing (354.7 ypg) and total offense (598.4 ypg). Pitt State broke the NCAA’s 118-year-old all-time all division scoring record with 837 points, besting the old mark of 765 points set by Harvard in 1886.

The Gorillas averaged 35.5 points and 432.7 total yards per game in compiling an 11-2 record and reaching the second round of the NCAA-II playoffs this past fall.

Also, on motion of Rep. Menghini, **HR 6013**, A resolution congratulating the Pittsburg State University head football coach Chuck Broyles, was adopted.

The following remarks were addressed to members of the House by Rep. Grant:

2008 Liberty Mutual Division II Coach of the Year Pittsburg State University head football coach Chuck Broyles was selected as the 2008 NCAA Division II Liberty Mutual Football Coach of the Year. The award honors coaches who best exemplify excellence in coaching based on their on-field coaching results, sportsmanship and integrity, academic excellence of their student-athletes, and their community commitment.

Broyles, who also serves as director of intercollegiate athletics, recently completed his 19th season as head football coach at his alma mater, guiding the Gorillas to an 11-2 overall record and a 15th appearance in the NCAA-II national playoffs in 2008. During his decorated tenure, Broyles has compiled a 193-41-2 (.822) overall record, averaging more than 10 wins per season for his nearly two-decade career.

He led Pitt State to the 1991 NCAA-II National Championship as well as appearances in the 1992, 1995 and 2004 NCAA-II National Championship Games. His squads have qualified for the NCAA-II national playoffs 15 times in his 19-year tenure and Coach Broyles became the first coach since the 1890s to record his 100th coaching victory in less than 10 full seasons during the 1999 season.

In the classroom, the Pitt State football squad had produced 15 ESPN The Magazine Academic All-Americans since January 2000, leading the Division II membership and ranking second to only the University of Dayton (18) among all college football programs. Forty-four percent of his Pitt State football squad members currently maintain 3.0 GPAs or higher.

Broyles' charitable contributions have been far and wide-ranging and include donations toward memorial scholarships for his late son Kyle and former Pitt State associate athletic director Tommy Riggs. His civic involvement has included the likes of organizing the Gorillas' annual YMCA Youth Football Day; coordinating team involvement in Project Franklin, a restoration project in the nearby tornado ravaged community, and the annual campus "Big Event" town spring clean-up project; as well as facilitating his team's visits to local elementary schools to read with the students.

Coach Broyles greatest claim to fame is being a member of the eight man Mulberry Tiger Football team and a player for the Mulberry Mule Semi-pro Baseball Team.

Once a Gorilla, always a Gorilla.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **Sub. HB 2014** be adopted; also, on motion of Rep. Knox be amended on page 1, in line 25, by striking "1" and inserting "2";

On page 2, in line 20, by striking "Kansas energy office" and inserting "energy programs division";

On page 12, in line 8, by striking "kv" and inserting "kilovolts";

On page 14, in line 31, by striking "energy"; in line 34, by striking "energy"; in line 42, by striking "energy";

On page 15, in line 2, by striking "energy"; in line 7, by striking "energy"; in line 42, by striking "energy";

On page 16, in line 37, by striking "energy" where it appears the first time;

On page 17, in line 12, by striking "energy"; also in line 12, by striking "and" and inserting "or"; in line 40, by striking "energy"; also in line 40, by striking "and" and inserting "or";

On page 18, in line 1, by striking "affected utility's" and inserting "retail electric supplier's"; in line 12, by striking all after the semicolon; by striking all in lines 13 through 15;

On page 20, in line 22, by striking "will" and inserting "shall";

On page 25, in line 7, by striking “(c)(1)” and inserting “(b)(1)”;

On page 35, in line 31, by striking “Kansas” and inserting “state”;

Also, roll call was demanded on motion of Rep. Neighbor to amend **Sub. HB 2014** on page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 35 and inserting the following:

“New Section 1. Sections 1 through 7, and amendments thereto, shall be known and may be cited as the renewable energy standards act.

New Sec. 2. As used in the renewable energy standards act:

(a) “Affected utility” means any electric public utility, as defined in K.S.A. 66-101a, and amendments thereto, but does not include any portion of any municipally owned or operated electric utility.

(b) “Commission” means the state corporation commission.

(c) “Net renewable generation capacity” means the gross generation capacity of the renewable energy resource located over a four-hour period when not limited by ambient conditions, equipment, operating or regulatory restrictions less auxiliary power required to operate the resource, and refers to resources located in the state or resources serving rate-payers in the state.

(d) “Peak demand” means the demand imposed by the affected utility’s retail load in the state.

(e) “Renewable energy credit” means a credit representing energy produced by renewable energy resources issued as part of a program that has been approved by the state corporation commission.

(f) “Renewable energy resources” means net renewable generation capacity from:

- (1) Wind;
- (2) solar thermal sources;
- (3) photovoltaic cells and panels;
- (4) dedicated crops grown for energy production;
- (5) cellulosic agricultural residues;
- (6) plant residues;
- (7) methane from landfills or from wastewater treatment;
- (8) clean and untreated wood such as pallets;
- (9) hydropower, not including pumped storage, that does not require a new diversion or impoundment of water and that has a nameplate rating of 10 megawatts or less;
- (10) fuel cells using hydrogen produced by one of the above-named renewable energy resources; and
- (11) other sources of energy, not including nuclear power, that become available after the effective date of this section, and that are certified as renewable by rules and regulations established by the commission, pursuant to section 7, and amendments thereto.

New Sec. 3. (a) The commission shall establish by rules and regulations a portfolio requirement for all affected utilities to generate or purchase electricity generated from renewable energy resources or purchase renewable energy credits. For the purposes of calculating the capacity from renewable energy credit purchases, the affected utility shall use its actual capacity factor from its owned renewable generation from the immediately previous calendar year. Renewable energy credits may only be used to meet a portion of portfolio requirements for the years 2010, 2016 and 2020, unless otherwise allowed by the commission. Such portfolio requirement shall provide net renewable generation capacity that shall constitute the following portion of each affected utility’s peak demand:

(1) Not less than 10% of the affected utilities’ peak demand for calendar years 2010 through 2015, based on the average demand of the prior three years of each year’s requirement;

(2) not less than 15% of the affected utilities’ peak demand for calendar years 2016 through 2019, based on the average demand of the prior three years of each year’s requirements; and

(3) not less than 20% of the affected utilities’ peak demand for each calendar year beginning in 2020, based on the average demand of the prior three years of each year’s requirement.

(b) The portfolio requirements described in subsection (a) shall apply to all power sold to Kansas retail consumers whether such power is self-generated or purchased from another source in or outside of the state. The capacity of all net metering systems interconnected with the affected utilities under the net metering and easy connection act in section 8 et seq., and amendments thereto, shall count toward compliance.

(c) Each megawatt of eligible capacity in Kansas installed after January 1, 2005, shall count as 1.25 megawatts for purposes of compliance.

(d) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 4. The commission shall allow affected utilities to recover reasonable costs incurred to meet the new renewable energy resource requirements required in the renewable energy standards act.

New Sec. 5. For each affected utility, the commission shall determine whether investment in renewable energy resources required to meet the renewable portfolio requirement, as required by section 3, and amendments thereto, causes the affected utility's total revenue requirement to increase one percent or greater. The retail rate impact shall be determined net of new nonrenewable alternative sources of electricity supply reasonably available at the time of the determination.

New Sec. 6. (a) The commission shall establish rules and regulations for the administration of the renewable energy standards act, including reporting and enforcement mechanisms necessary to ensure that each affected utility complies with this standard and other provisions governing the imposition of administrative penalties assessed after a hearing held by the commission. Administrative penalties should be set at a level that will promote compliance with the renewable energy standards act, and shall not be limited to penalties set forth in K.S.A 66-138 and 66-177, and amendments thereto.

(b) For the calendar years 2010 and 2011, the commission is not required to assess penalties if the affected utility can demonstrate it made a good faith effort to comply with the portfolio standards requirement. The commission shall exempt an affected utility from administrative penalties for an individual compliance year if the utility demonstrates that the retail rate impact described in section 5, and amendments thereto, has been reached or exceeded and the utility has not achieved full compliance with section 3, and amendments thereto. In imposing penalties, the commission shall have discretion to consider mitigating circumstances. Under no circumstances shall the costs of administrative penalties be recovered from Kansas retail customers.

(c) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 7. (a) The commission shall establish rules and regulations for the administration of a certification process for use of renewable energy resources not currently listed in the renewable energy standards act for purposes of fulfilling the requirements of section 3, and amendments thereto. Criteria for the certification process for renewable energy generation facilities shall be determined by factors that include, but are not limited to: Fuel type, technology and the environmental impacts of the renewable energy generation facility. Renewable energy facilities shall not cause undue or adverse air, water or land use impacts, including impacts associated with the gathering of generation feedstocks.

(b) The commission shall establish rules and regulations required in this section within six months of the effective date of this act.

New Sec. 8. Sections 8 through 16, and amendments thereto, shall be known and may be cited as the net metering and easy connection act.

New Sec. 9. As used in the net metering and easy connection act:

(a) "Commission" means the state corporation commission.

(b) "Customer-generator" means the owner or operator of a net metered facility which:

(1) Is powered by a renewable energy resource;

(2) is located on a premises owned, operated, leased or otherwise controlled by the customer-generator;

(3) is interconnected and operates in parallel phase and synchronization with an affected utility and is in compliance with the standards established by the affected utility;

(4) is intended primarily to offset part or all of the customer-generator's own electrical energy requirements;

(5) contains a mechanism, approved by the utility, that automatically disables the unit and interrupts the flow of electricity back onto the supplier's electricity lines in the event that service to the customer-generator is interrupted.

(c) "Peak demand" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(d) "Renewable energy resources" shall have the meaning ascribed thereto in section 2, and amendments thereto.

(e) "Utility" means investor-owned electric utility.

New Sec. 10. Each utility shall:

(a) Make net metering available to customer-generators on a first-come, first-served basis, until the total rated generating capacity of all net metered systems equals or exceeds one percent of the utility's peak demand during the previous year. The commission may increase the total rated generating capacity of all net metered systems to an amount above one percent after conducting a hearing pursuant to K.S.A. 66-101d, and amendments thereto;

(b) offer to the customer-generator a tariff or contract that is identical in electrical energy rates, rate structure and monthly charges to the contract or tariff that the customer would be assigned if the customer were not an eligible customer-generator and shall not charge the customer-generator any additional standby, capacity, interconnection or other fee or charge that would not otherwise be charged if the customer were not an eligible customer-generator;

(c) provide a residential class bidirectional meter to the customer-generator at no charge, but may charge the customer-generator for the cost of any additional metering or distribution equipment necessary to accommodate the customer-generator's facility; and

(d) disclose annually the availability of the net metering program to each of its customers with the method and manner of disclosure being at the discretion of the utility.

New Sec. 11. (a) If the electricity supplied by the utility exceeds the electricity generated by the customer-generator during a billing period, the customer-generator shall be billed for the net electricity supplied by the utility in accordance with normal practices for customers in the same rate class.

(b) If a customer-generator generates electricity in excess of the customer-generator's monthly consumption, all such net excess energy (NEG), expressed in kilowatt-hours, shall be carried forward from month-to-month and credited at a ratio of one-to-one against the customer-generator's energy consumption, expressed in kilowatt-hours, in subsequent months.

(c) Any net excess generation credit remaining in a net-metering customer's account at the end of each calendar year shall expire.

New Sec. 12. Each utility shall allow:

(a) Residential customer-generators to generate electricity subject to net metering up to 25 kilowatts; and

(b) commercial, industrial, school, local government, state government, federal government, agricultural and institutional customer-generators to generate electricity subject to net metering up to 200 kilowatts.

Customer-generators shall appropriately size their generation to their expected load.

New Sec. 13. (a) Net metered facilities must meet all applicable safety, performance, interconnection and reliability standards established by the national electrical code, the national electrical safety code, the institute of electrical and electronics engineers, underwriters laboratories, the federal energy regulatory commission and any local governing authorities. A utility may require that a customer-generator's system contain a switch, circuit breaker, fuse or other easily accessible device or feature located in immediate proximity to the customer-generator's metering equipment that would allow a utility worker the ability to manually and instantly disconnect the unit from the utility's electric distribution system.

(b) A utility may not require a customer-generator whose net metering facility meets the standards in subsection (a) to comply with additional safety or performance standards or perform or pay for additional tests or purchase additional liability insurance. A utility shall not be liable directly or indirectly for permitting or continuing to allow an attachment of a

net metered facility or for the acts or omissions of the customer-generator that cause loss or injury, including death, to any third party.

New Sec. 14. The commission shall, within 12 months from the effective date of the net metering and easy connection act, establish rules and regulations necessary for the administration of the act, which shall include rules and regulations ensuring that simple contracts are used for interconnection and net metering. For systems less than 25 kilowatts, the application process shall use an all-in-one document that includes a simple interconnection request, simple procedures and a brief set of terms and conditions.

New Sec. 15. Reasonable costs incurred by a utility under the net metering and easy connection act shall be recoverable in the utility's rate structure.

New Sec. 16. The estimated generating capacity of all net metered facilities operating under the provisions of this act shall count toward the affected utility's compliance with the renewable energy standards act in sections 1 through 7, and amendments thereto.

Sec. 17. K.S.A. 2008 Supp. 66-1,184 is hereby amended to read as follows: 66-1,184. (a) ~~Except as provided in subsection (b),~~ Every public utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, upon request of such customer, whereby such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the public utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation on such customer's monthly bill for energy supplied to the utility by such customer.

~~(b)(1) For purposes of this subsection:~~

~~— (A) "Utility" means an electric public utility, as defined by K.S.A. 66-101a, and amendments thereto, any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or a nonstock member-owned electric cooperative corporation incorporated in this state, or a municipally owned or operated electric utility;~~

~~— (B) "school" means Cloud county community college and Dodge City community college.~~

~~— (2) Every utility which provides retail electric services in this state shall enter into a contract for parallel generation service with any person who is a customer of such utility, if such customer is a residential customer of the utility and owns a renewable generator with a capacity of 25 kilowatts or less, or is a commercial customer of the utility and owns a renewable generator with a capacity of 200 kilowatts or less or is a school and owns a renewable generator with a capacity of 1.5 megawatts or less. Such generator shall be appropriately sized for such customer's anticipated electric load. A commercial customer who uses the operation of a renewable generator in connection with irrigation pumps shall not request more than 10 irrigation pumps connected to renewable generators be attached or connected to the utility's system. At the customer's delivery point on the customer's side of the retail meter such customer may attach or connect to the utility's delivery and metering system an apparatus or device for the purpose of feeding excess electrical power which is generated by such customer's energy producing system into the utility's system. No such apparatus or device shall either cause damage to the utility's system or equipment or present an undue hazard to utility personnel. Every such contract shall include, but need not be limited to, provisions relating to fair and equitable compensation for energy supplied to the utility by such customer. Such compensation shall be not less than 100% of the utility's monthly system average cost of energy per kilowatt hour except that in the case of renewable generators with a capacity of 200 kilowatts or less, such compensation shall be not less than 150% of the utility's monthly system average cost of energy per kilowatt hour. A utility may credit such compensation to the customer's account or pay such compensation to the customer at least annually or when the total compensation due equals \$25 or more.~~

~~— (c) the following terms and conditions shall apply to contracts entered into under subsection (a) or (b):~~

~~(1) The utility will supply, own, and maintain all necessary meters and associated equipment utilized for billing. In addition, and for the purposes of monitoring customer generation and load, the utility may install at its expense, load research metering. The customer~~

shall supply, at no expense to the utility, a suitable location for meters and associated equipment used for billing and for load research;

(2) for the purposes of insuring the safety and quality of utility system power, the utility shall have the right to require the customer, at certain times and as electrical operating conditions warrant, to limit the production of electrical energy from the generating facility to an amount no greater than the load at the customer's facility of which the generating facility is a part;

(3) the customer shall furnish, install, operate, and maintain in good order and repair and without cost to the utility, such relays, locks and seals, breakers, automatic synchronizer, and other control and protective apparatus as shall be designated by the utility as being required as suitable for the operation of the generator in parallel with the utility's system. In any case where the customer and the utility cannot agree to terms and conditions of any such contract, the state corporation commission shall establish the terms and conditions for such contract. In addition, the utility may install, own, and maintain a disconnecting device located near the electric meter or meters. Interconnection facilities between the customer's and the utility's equipment shall be accessible at all reasonable times to utility personnel. 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. The customer may be required to reimburse the utility for any equipment or facilities required as a result of the installation by the customer of generation in parallel with the utility's service. The customer shall notify the utility prior to the initial energizing and start-up testing of the customer-owned generator, and the utility shall have the right to have a representative present at such test;

(4) the utility may require a special agreement for conditions related to technical and safety aspects of parallel generation; and

(5) the utility may limit the number and size of renewable generators to be connected to the utility's system due to the capacity of the distribution line to which such renewable generator would be connected, and in no case shall the utility be obligated to purchase an amount greater than 4% of such utility's peak power requirements.

~~(d)~~ (c) Service under any contract entered into under subsection (a) ~~or (b)~~ shall be subject to either the utility's rules and regulations on file with the state corporation commission, which shall include a standard interconnection process and requirements for such utility's system, or the current federal energy regulatory commission interconnection procedures and regulations.

~~(e) In any case where the owner of the renewable generator and the utility cannot agree to terms and conditions of any contract provided for by this section, the state corporation commission shall establish the terms and conditions for such contract.~~

~~(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. 18. (a) On and after July 1, 2009, all new state buildings, including all state agencies, departments, offices, boards, commissions and public universities, shall be designed, constructed, operated and maintained to achieve maximum energy efficiency, to the extent this can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the building.

(b) The department of administration shall develop by rules and regulations design standards for all new state buildings which require the analysis of the cost-effectiveness of

building with the goal of achieving energy efficiency. "Energy efficiency" shall be demonstrated through design which achieves:

- (1) A silver rating under the United States green building council's leadership in energy and environmental design (LEED) rating system;
- (2) a two globes rating level under the green globes rating system; or
- (3) an equivalent rating under an equivalent rating system that is accredited by the American national standards institute.

(c) Renovation or repair of all existing state buildings shall be designed to achieve maximum energy efficiency, to the extent this can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the building. The design may be based on LEED, green globes or an equivalent rating system.

Sec. 19. K.S.A. 65-3008 is hereby amended to read as follows: 65-3008. (a) No person shall construct, own, operate, install, alter or use any air contaminant emission stationary source which, in accordance with rules and regulations, the secretary finds may cause or contribute to air pollution, unless an appropriate approval or permit has been issued for the source by the secretary under this act. Approvals or permits issued by the secretary may be subject to conditions consistent with the purposes of this act and rules and regulations promulgated under this act.

(b) Until such time as the federal government enacts regulations covering carbon dioxide and other greenhouse gas emissions, the secretary may consider carbon dioxide emissions as part of the permitting process for base-load electric generating units, construction of which commences on or after July 1, 2009. The secretary may require such electric generating units to offset carbon dioxide emissions as a condition of the permits. The secretary shall not consider carbon dioxide emissions as part of the permitting process for any other permit requests.

~~(c)~~ (c) The secretary shall require that applications for approvals and permits, and renewals thereof, under this act shall be accompanied by application fees and such plans, specifications, compliance plans or other information as the secretary deems necessary. Applications shall be submitted on forms provided by the secretary and shall be signed by a responsible official of the source, who shall certify the accuracy of the information submitted.

~~(d)~~ (d) The issuance or holding of an approval or permit shall not convey any property right or exclusive privilege to the holder thereof.

~~(e)~~ (e) Without any further action on the part of the secretary, an approval or a permit shall become void and without effect on its expiration date unless a completed application form and any required fee are filed with the secretary on or before the expiration date of the approval or the permit. For purposes of this subsection, the secretary may specify by rule and regulation an amount of time prior to the expiration date of an operating permit by which a complete application form and any required fee must be filed with the secretary in order to be considered timely filed. The secretary may provide for a grace period by rule and regulation.

~~(f)~~ (f) The secretary may issue by rule and regulation a general approval or permit covering numerous similar sources. Any general approval or permit shall comply with all requirements applicable to approvals or permits under this act. Any source covered by a general approval or permit must apply to the secretary and receive authority to operate under the general approval or permit.

~~(g)~~ (g) The secretary may fix, charge and collect fees for approvals and permits, and the renewal thereof, to cover all or any part of the cost of administering the provisions of Kansas air quality act, other than K.S.A. 65-3027, *and amendments thereto*. The secretary shall adopt rules and regulations fixing such fees. The fees shall be deposited in the state treasury and credited to the state general fund, except that if all or any portion of the regulatory services for which a fee is collected under this section is performed by a county, city-county or multicounty health department, that portion of such fee which pertains to such services, as determined by the secretary, shall be credited to the local air quality control authority regulation services fund, which is hereby created in the state treasury, and shall be paid from such fund to such local air quality control authority.

Sec. 20. K.S.A. 65-3008 and K.S.A. 2008 Supp. 66-1,184 are hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its publication in the statute book.”;

In the title, in line 9, by striking all after the first semicolon; by striking all in lines 10 through 13 and inserting “establishing the renewable energy standards act and the net metering and easy connection act; relating to energy efficiency for state buildings; amending K.S.A. 65-3008 and K.S.A. 2008 Supp. 66-1,184 and repealing the existing sections.”;

On roll call, the vote was: Yeas 40; Nays 82; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Goyle, Hawk, Henderson, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Navinsky, Neighbor, Peterson, Quigley, Rardin, Ruiz, Sawyer, Slattery, Spalding, Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Fund, D. Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Swanson, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Frownfelter, Henry, Tafanelli.

The motion of Rep. Neighbor did not prevail.

Also, on motion of Rep. Watkins, **Sub. HB 2014** be amended on page 22, after line 3, by inserting the following:

“New Sec. 44. (a) On and after the effective date of this act, any provision of a restrictive covenant which restricts or prohibits the use of any solar panel, solar energy device or any other equipment used for solar power installed on or adjacent to any residential dwelling is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.

New Sec. 45. (a) On and after the effective date of this act, any provision of a city ordinance or county resolution which restricts or prohibits the use of any solar panel, solar energy device or any other equipment used for solar power installed on or adjacent to buildings is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any city ordinance or county resolution in existence on the effective date of this act.”;

And by renumbering the remaining sections accordingly;

Also, on further motion of Rep. Watkins to amend **Sub. HB 2014**, the motion did not prevail. Also, on motion of Rep. Sloan to amend, the motion did not prevail. Also, on motion of Rep. Grant to amend, the motion did not prevail; and **Sub. HB 2014** be passed as amended.

REPORTS OF STANDING COMMITTEES

Select Committee on KPERS recommends **SB 219** be passed.

Select Committee on KPERS recommends **HB 2072** be amended on page 3, in line 19, by striking all after “(10)”; by striking all in lines 20 through 28; in line 29, by striking “(11)”; in line 34, by striking “(12)” and inserting “(11)”;

on page 4, in line 5, by striking “(13)” and inserting “(12)”; in line 7, by striking “(14)” and inserting “(13)”; in line 12, by striking “(15)” and inserting “(14)”; in line 16, by striking “(16)” and inserting “(15)”; 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 bill was thereupon introduced and read by title:

HB 2357, An act concerning school districts; relating to school finance; relating to at-risk pupils, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker O'Neal announced that Rep. Navinsky will replace Rep. Meier on the following committees:

Committee on Agriculture and Natural Resources

Vision 2020

Committee on Veterans, Military and Homeland Security

On motion of Rep. Merrick, the House adjourned until 10:30 a.m., Friday, February 27, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

