

# Journal of the House

THIRTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 27, 2009, 10:30 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.  
The roll was called with 123 members present.  
Reps. Henry and Tafanelli were excused on excused absence by the Speaker.  
Prayer by Chaplain Brubaker:

Our Heavenly Father,  
today I pray for these our leaders  
the prayer of St. Ignatius.  
*“O my God, teach me to be generous:  
to serve you as you deserve to be served;  
to give without counting the cost;  
to fight without fear of being wounded;  
to work without seeking rest;  
and to spend myself without expecting any reward,  
but the knowledge that I am doing Your holy will.”*  
Be with Representative Jerry Henry and his family today on the death  
of his younger brother. Bring them comfort,  
peace and grace as only you can at a time like this.  
In Christ’s Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Menghini.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2358**, An act enacting the investment in Kansas employment act; amending K.S.A. 2008 Supp. 74-50,115 and repealing the existing section, by Committee on Taxation.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2354**, **HB 2355**.

Education: **HB 2357**.

Health and Human Services: **HB 2356**.

## MESSAGE FROM THE SENATE

Announcing passage of **SB 74**, **SB 115**, **SB 178**, **SB 215**, **SB 225**.

## INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

**SB 74**, **SB 115**, **SB 178**, **SB 215**, **SB 225**.

## FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**Sub. HB 2014**, An act concerning energy; relating to conservation and efficiency; electric generation and transmission and air emissions; amending K.S.A. 19-101a, 55-1,117, 65-3012

and 66-104d and K.S.A. 2008 Supp. 65-3005, 65-3008a, 66-1,184, 74-99d07 and 74-99d14 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 44; Present but not voting: 0; Absent or not voting: 2.

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

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

Present but not voting: None.

Absent or not voting: Henry, Tafanelli.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "YES" on **Sub. HB 2014**. My thanks to our House Committee for its tireless work and to House members on both sides of the aisle for the civility you displayed in giving thoughtful consideration and strong approval of this vital, bi-partisan comprehensive energy plan. This bill is for our consumers, workers, business partners and taxpayers. It's a signal to those outside our borders that we are open for business, embrace a full array of energy resources, have regulatory certainty and don't cling to environmentally extreme or scientifically flawed views regarding our future energy and economic development needs.—MICHAEL R. "MIKE" O'NEAL

MR. SPEAKER: Last night I watched the Weather Channel's program about the Greensburg tornado. From almost complete and utter destruction a Phoenix is rising. It is green. Solar.

Wind turbines—Planning a wind farm with KPP.

Energy Efficiency—LEEDS Platinum standard—the highest level.

Fuel? Sun, wind, water.

No contract with Sunflower—any more.

I vote no on **Sub. HB 2014**.—ANNIE KUETHER

MR. SPEAKER: I vote yes on **Sub. HB 2014** because I support our new president and his efforts to support clean affordable energy, including clean coal.—BILL OTTO

MR. SPEAKER I vote yes on **Sub. HB 2014**. I believe the situation has changed dramatically from last year. The regulatory climate has changed because the federal government will now impose federal energy policy to assure renewables and "clean coal" as President Obama has said. The economic downturn makes even temporary construction jobs and their secondary effects particularly important in Western Kansas. Finally this bill establishes an overall energy plan for Kansas that includes coal but also net metering and a statutory RPS which starts us in the right direction for renewables. Coal is important to our national energy independence and this bill establishes a broad Kansas energy policy.—PAT COLLOTON

MR. SPEAKER: **Sub. HB 2014** creates a comprehensive energy plan to benefit all Kansans. By creating jobs and a renewable energy infrastructure, encouraging further economic development through regulatory certainty, and adding another Kansas product to export, we are ensuring our growing energy needs will be met while providing for the future. As our demand for energy increases, **Sub. HB 2014** will keep rates reasonable for all Kansas ratepayers. Furthermore, as technology evolves, this bill advances renewable energy sources that will continue to play a larger role in our energy production. For those reasons I vote

yes on **Sub. HB 2014**.—AARON JACK, PHIL HERMANSON, JOE SEIWERT, DAN KERSCHEN, STEVE HUEBERT, WILLIE PRESCOTT, LANA GORDON, MARC RHOADES, PEGGY MAST, RICHARD CARLSON, CONNIE O'BRIEN, RAY MERRICK.

MR. SPEAKER: I wholeheartedly support efforts that will foster the development and use of renewable energy sources and help protect the environment for generations to come. This concern for the future quality of our environment is one of the key reasons I finally voted for this comprehensive energy legislation:

1. Renewable portfolio standards mandating that utilities use renewable energy.
2. Increased wind energy production can occur due to new transmission infrastructure.
3. Net metering is established.
4. Energy efficiency standards are established.

Also, I voted yes on **Sub. HB 2014** because many Kansas families are in pain, need jobs and affordable energy due to the recession.—MARVIN KLEEB

MR. SPEAKER: **House Bill 2014** is a step closer to the comprehensive energy plan which I believe the State of Kansas must implement. It references renewable energy efforts, including the Governor's Renewable Portfolio Standard agreement with electric utility companies, energy efficiencies for stat buildings and state vehicles; and consistent rules and regulations for all who apply for permits. I also believe renewable and traditional energy sources to be compatible. Because of these reasons, Mr. Speaker, I vote yes.—DEENA HORST

#### REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **HB 2011**, **HB 2166**, **HB 2206** be passed.

Committee on **Federal and State Affairs** recommends **SB 238** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 238," as follows:

"HOUSE Substitute for SENATE BILL No. 238

By Committee on Federal and State Affairs

"AN ACT concerning abortion; regarding the woman's right-to-know act; amending K.S.A. 65-6709 and 65-6710 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 238** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 82** 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 **Health and Human Services** recommends **SB 102** be amended on page 1, in line 37, by striking all after "device"; in line 38, by striking all before the period; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2311** be passed.

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 52**, by Representative Bethell, congratulating the Sterling High School Debate Team for capturing the top three places at the Class 3-2-1A state championship tournament;

**Request No. 53**, by Representative Ballard, congratulating Jack and Mary Arensberg on their 50th wedding anniversary;

**Request No. 54**, by Representatives Phelps, Davis and Ballard for recognition given in the memory of Jana Mackey for her tireless efforts to promote the rights of victims of violence and of the rights of women during her all too short lifetime;

**Request No. 55**, by Representative Seiwert, commending Mike Fast for 30 years of service on the Board of Education with U.S.D. 312;

**Request No. 56**, by Representative Seiwert, commending David Pryor for 30 years of service on the Board of Education with U.S.D. 312;

**Request No. 57**, by Representative Menghini, congratulating Pittsburg State University's head football coach, Chuck Broyles, for being selected the 2008 NCAA Division II Liberty Mutual Football Coach of the Year;

**Request No. 58**, by Representative Menghini, congratulating Tim Beck, Assistant Football Coach for Pittsburg State University, for being named the 2008 FootballScoop.com NCAA Division II Coordinator of the Year;

**Request No. 59**, by Representative Sloan, congratulating Martha J. Parker on her 80th birthday and her demonstrated leadership at Clinton Historical Association and Clinton Lake Museum documenting underground railroad "stops";

**Request No. 60**, by Representative Kiegerl, congratulating Fred and Ruth Ramseyer on their 70th wedding anniversary, March 1, 2009;

**Request No. 61**, by Representative Donohoe, congratulating the Bishop Miege Girls Varsity Volleyball Team on winning the 2008 Championship; be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6015—

By Committee on Federal and State Affairs

A RESOLUTION urging the Congress of the United States to oppose any attempt to deny workers the fundamental right to a secret ballot in a union organizing election.

WHEREAS, Kansas has a long and favored tradition of supporting every worker's right to work; and

WHEREAS, The right to a secret ballot in union organizing elections is a fundamental right for America's workers; and

WHEREAS, The rights of workers to be protected from intimidation and harassment in the workplace is an import right for all Kansans; and

WHEREAS, There are those who are proposing to take away from workers their rights to a secret ballot in organizing elections; and

WHEREAS, The loss of this fundamental right for a worker to a secret ballot and to be free from intimidation and harassment would seriously damage relations among workers and threaten relations between workers and management and would be a great detriment to Kansas workers; and

WHEREAS, The right to a secret ballot for Kansas' workers is not a matter of politics but rather one of right and wrong, with diverse voices on both sides of the political aisle speaking out against denying the right to a secret ballot; and

WHEREAS, Seventy years of labor law, the National Labor Relations Act of 1935 as amended by the Taft Hartley Act of 1947, has stood the test of time in achieving a fair balance between the interests of labor and management in American industry; and

WHEREAS, Kansas' workers should not have their right to a secret ballot removed by dictate of the federal government; and

WHEREAS, Kansans believe every worker should continue to have the right to a federally supervised ballot election when deciding whether to organize a union; and

WHEREAS, Kansans believe secret ballot elections are the cornerstone of democracy and should be kept for union elections: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the United States Congress shall oppose any attempt to deny Kansas workers the fundamental right to a secret ballot in a union organizing election or to preempt the state of Kansas the ability to protect the fundamental right to a secret ballot for its workers; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to send enrolled copies of this resolution to the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Kansas.

**CHANGE OF REFERENCE**

Speaker pro tem Siegfried announced the withdrawal of **HB 2315** from Committee on Appropriations and rereferral to Committee on Judiciary.

**REPORT ON ENGROSSED BILLS**

**Sub. HB 2014** reported correctly engrossed February 26, 2009.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, March 2, 2009.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

