

Journal of the Senate

THIRTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Thursday, March 6, 2008—2:30 p.m.

The Senate was called to order by Vice President John Vratil.
The roll was called with thirty-nine senators present.
Senator McGinn was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,

I want to thank You for several things today:

First, I thank You for the cheerful way the Senate responded to my losing my prayer yesterday!

I thank You, O God, for how You have touched the lives of so many legislators.

I thank You, Lord, for those who appeal to You for help.

I thank You, Lord, for how You have come to the aid of our state, both directly and indirectly.

I thank You, Lord, for the blessings we enjoy, which we sometimes overlook or take for granted.

I thank You, Lord, for those who have demonstrated heartfelt concern for the disadvantaged in our midst.

I thank You, Lord, for Your patience with us when we concentrate on our own desires, instead of the needs of our neighbors.

And last, but not least, I thank You for listening to me every day!

I pray in the name of Jesus Christ,

AMEN

The Pledge of Allegiance was led by Vice President John Vratil.

GUESTS

Senator Apple rose on a Point of Personal Privilege to introduce members of the Miami County 4-H Club: Ronni Hart, Bailey Hart, Gerri Hart, John Stambaugh, Kaitlyn Combs, Aubrey Hilt, and Curtis Lemke.

Senator Barnett rose on a Point of Personal Privilege to introduce his mother, Jean Barnett and his wife, Yvonne Barnett. They were recognized with a standing ovation by the Senators.

INTRODUCTION OF ORIGINAL MOTIONS AND SENATE RESOLUTIONS

Senator Vratil introduced the following Senate resolution, which was read:

SENATE RESOLUTION No. 1819—

A RESOLUTION congratulating and commending the Blue Valley North High School boys' soccer team for being the 2007 Class 6A State and Regional Champions.

WHEREAS, On November 3, 2007, the Blue Valley North High School boys' soccer team became the 2007 Class 6A State Champions by defeating Olathe South 2 to 0 at the Olathe-College Blvd. Activity Center in Olathe, Kansas; and

WHEREAS, In addition to earning the school's 4th State Championship in school history, the team was also recognized as the 2007 Kansas 6A Regional Champions for the 8th time in the last 9 years and finished the season ranked #1 in the state, #2 in the National Soccer Coaches Association of America (NSCAA) Region 7, and 15th in the country by NSCAA. The team also finished the year as Co-Champions of the East Kansas League (EKL); and

WHEREAS, The team completed the 2007 season with an overall record of 17-4-0 and a league record of 4-1-0. In 2007, the team scored 49 goals on 33 assists while only allowing 12 goals. The team also won by shutout a total of 12 times; and

WHEREAS, The Blue Valley North High School boys' soccer team is comprised of Seniors Brandon Cosner, Braxton Vanlandingham, Austin Re, Taylor Miller, Michael Shadfar, Phillip Baylog, Connor Line, J.C. Hamilton, Seth Hermanson, Matt Matsch, Nick Tygard and Andrew Kirby; Juniors C.J. Heinz, Brandon Kempin, Nicky Krueger, Max Magee, Bob Drown, Adam Wagner and Cameron Daniels; Sophomores Erik Norburg, Daniel Baylog, Tom White and Nate Kalberer; and Freshmen Jon Kempin and Tyler Cook; and

WHEREAS, Members of the team received the following awards and accolades: All EKL honorable mention recipients Brandon Cosner and Connor Line; All EKL 2nd team recipients Phillip Baylog and Braxton Vanlandingham; All EKL 1st team recipients Andrew Kirby, Matt Matsch, Taylor Miller, Austin Re and Michael Shadfar; EKL Co-Defensive player of the year Andrew Kirby; All Sun Country honorable mention recipient Phillip Baylog; All Sun Country 2nd team recipients Austin Re and Michael Shadfar; and All Sun Country 1st team recipients Andrew Kirby, Matt Matsch and Taylor Miller; All Johnson County honorable mention recipients Taylor Miller, Austin Re and Braxton Vanlandingham; All Johnson County 2nd team recipient Michael Shadfar; All Johnson County 1st team recipients Andrew Kirby and Matt Matsch; All Northeast Kansas Soccer Coaches Association (NEKSCA) 2nd team recipients Austin Re and Michael Shadfar; All NEKSCA 1st team recipients Andrew Kirby and Matt Matsch; All NEKSCA Academic distinguished honors (3.25 minimum GPA) J.C. Hamilton, Connor Line, Matt Matsch, Taylor Miller and Austin Re; All NEKSCA Academic outstanding honors (3.75 minimum GPA) Nick Tygard; and All NEKSCA Academic 1st team (4.0 minimum GPA) Phillip Baylog and Brandon Cosner; All State 2nd team recipients Austin Re and Michael Shadfar; All State 1st team recipients Andrew Kirby and Matt Matsch; All Metro honorable mention recipient Michael Shadfar; All Metro 2nd team recipient Matt Matsch; All Metro 1st team recipient Andrew Kirby; NSCAA All Midwest recipient Andrew Kirby; and NSCAA All American 2nd team recipient Andrew Kirby; and

WHEREAS, The team was led by Head Coach Tom Holland; Junior Varsity Coach Mark Chonko; C-Navy Coach Dylan Hitchcock; C-Silver Coach Tim Wiseman; and C-White Coach Jim Rosenburger: Now, therefore,

Be it resolved by the Senate of the State of Kansas: That we congratulate and commend the Blue Valley North High School boys' soccer team for being the 2007 Class 6A State and Regional Champions and for achieving such a high standard of excellence in their sport; and

Be it further resolved: That the Secretary of the Senate provide 33 enrolled copies of this resolution to Senator Vratil.

On emergency motion of Senator Vratil **SR 1819** was adopted unanimously.

Senator Vratil introduced the members of the Blue Valley North High School boys' soccer team and senators joined him in acknowledging them with a standing ovation.

On motion of Senator D. Schmidt, the Senate recessed until 3:00 p.m.

The Senate met pursuant to recess with Vice President Vratil in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 672, An act concerning the Kansas governmental operations accountability law; relating to audits; amending K.S.A. 74-7284, 74-7285 and 74-7287 and K.S.A. 2007 Supp. 46-1226 and repealing the existing sections; also repealing K.S.A. 74-7286, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-

72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 74-7295 and 74-72,103, by Committee on Ways and Means.

SB 673, An act making and concerning appropriations for the fiscal year ending June 30, 2009, for the state board of regents; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Judiciary: **SB 671**.

Ways and Means: **SB 670**.

MESSAGE FROM THE GOVERNOR

H Sub for SB 359 and **SB 447** approved on March 6, 2008.

COMMUNICATIONS FROM STATE OFFICERS

KANSAS DEPARTMENT OF LABOR

March 5, 2008

Jim Garner, Secretary, Kansas Department of Labor, submitted a copy of the 2007 Kansas Department of Labor Annual Report.

The Vice President announced the above report is on file in the office of the Secretary of the Senate and is available for review at any time.

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **House Substitute for SB 327**.

Announcing passage of **HB 2919**.

The House concurs in Senate amendments to **HB 2071**.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HB 2919 was thereupon introduced and read by title.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 327**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, in line 16, by striking "6" and inserting "5"; by striking all in lines 28 through 38;

And by renumbering the sections accordingly;

On page 5, by striking all in lines 9 through 34, and inserting the following:

"New Sec. 6. (a) There is hereby established the Kansas electric generation, science and technology commission. The commission shall be made up of the following 15 members:

(1) Chairperson of the house committee on energy and utilities, or the chairperson's appointee, to be appointed from the house committee on energy and utilities, or its successor, for the appointee's legislative term;

(2) vice-chairperson of the house committee on energy and utilities, or the vice-chairperson's appointee, to be appointed from the house committee on energy and utilities, or its successor, for the appointee's legislative term;

(3) ranking minority member of the house committee on energy and utilities, or the ranking minority member's appointee, to be appointed from the house committee on energy and utilities, or its successor, for the appointee's legislative term;

(4) chairperson of the senate committee on utilities, or the chairperson's appointee, to be appointed from the senate committee on utilities, or its successor, for the appointee's legislative term;

(5) vice-chairperson of the senate committee on utilities, or the vice-chairperson's appointee, to be appointed from the senate committee on utilities, or its successor, for the appointee's legislative term;

(6) ranking minority member of the senate committee on utilities, or the ranking minority member's appointee, to be appointed from the senate committee on utilities, or its successor, for the appointee's legislative term;

(7) chief of energy operations of the state corporation commission who shall serve as a nonvoting member of the commission;

(8) director of the division of environment in the Kansas department of health and environment who shall serve as a nonvoting member of the commission;

(9) one member appointed by the governor;

(10) two members appointed by the speaker of the house of representatives;

(11) one member appointed by the minority leader of the house of representatives;

(12) two members appointed by the president of the senate; and

(13) one member appointed by the minority leader of the senate.

(b) Appointments made in (a)(9) through (a)(13) shall have one of the following qualifications, but no more than two members appointed shall fall into any one qualification category:

(1) Expertise in global greenhouse gas regulation or practices or climatology;

(2) expertise in energy conservation;

(3) expertise in baseload generation and regulation; or

(4) expertise in renewable energy resources.

(c) The chairperson of the house committee on energy and utilities, or its successor, or the chairperson's appointee, shall call the first meeting, at which time the members shall elect the chairperson and vice-chairperson of the commission. The commission shall meet at least four times a year on call of the chairperson. A majority of the members of the commission or their appointees shall constitute a quorum for the exercise of powers conferred upon the commission.

(d) The commission is hereby granted such specific powers as are necessary to carry out the functions enumerated in this section. The commission shall examine issues related to electric service in this state, including, but not limited to:

(1) The actions of federal and regional entities regarding electric generation and transmission;

(2) the obligations of all entities that generate, transmit or distribute electricity;

(3) the economic impact of generation, transmission and distribution of electricity on community economic development and on electric rates for various classes of customers;

(4) the impact of electric generation and transmission on the state's environment and types of remediation that may be required to limit undesirable impacts;

(5) the social impact on Kansas residents of various methods of generation and transmission of electricity;

(6) the impact on state and local tax revenues of the various means of generating and transmitting electricity;

(7) the adequacy of the state's capacity to generate electricity in light of current and future needs of the state, region and nation;

(8) the impact of conservation on the need for expansion of electric generation capacity in the short and long term;

(9) the fuel portfolio balance of the state's electric generation facilities;

(10) the effectiveness of existing incentives for renewable energy investment;

(11) other states' existing incentives for renewable energy investment; and

(12) the reports and recommendations of the electricity committee of the Kansas energy council.

(e) The commission shall submit a preliminary written report of the activities and recommendations of the commission to the house committee on energy and utilities and the senate committee on utilities on or before the first day of the 2009 regular session of the

legislature and shall submit subsequent written reports on or before the first day of each subsequent regular session of the legislature. The commission shall submit a final written report of its activities and recommendations on or before the first day of the 2012 regular session of the legislature. The final written report of the commission shall include, but not be limited to, recommendations for:

- (1) New incentives for development of a diversified electricity generation portfolio;
 - (2) an appropriate energy generation portfolio goal, or series of goals, taking into consideration regional and national markets;
 - (3) laws, rules and regulations, and policies needed to facilitate diversification of the electricity generation portfolio; and
 - (4) any additional studies related to the commission's charge that might appropriately be undertaken by the Kansas research universities.
- (f) The commission may receive and expend moneys appropriated to the commission from the public service regulation fund created by K.S.A. 66-1a01, and amendments thereto, and moneys received from any other source, whether public or private, to further the purposes of this section.
- (g) Commission members shall be paid compensation, subsistence allowances, mileage and other expenses as provided by K.S.A. 75-3223, and amendments thereto, for each day of actual attendance at any meeting of the commission or any subcommittee meeting approved by the commission.
- (h) The state corporation commission shall provide assistance to the commission. Each other state agency shall provide assistance to the commission as may be requested by the commission.
- (i) The provisions of this section shall expire on December 31, 2011, unless extended by statute.

New Sec. 7. As used in this section:

- (a) (1) "Affected facility" means a fossil-fuel-fired steam electricity generating unit commencing operation after January 1, 2008, of more than 250 million British thermal units per hour of heat input other than:
- (A) An affected facility owned or operated by the federal government; or
 - (B) an affected facility on tribal lands.
- (2) "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.
- (b) In the event rules and regulations regulating the emission of carbon dioxide from affected facilities are established in accordance with K.S.A. 65-3005 (b)(1), and amendments thereto, the owner or operator of an affected facility shall engage in the capture or reduction of carbon dioxide using the best available control technology, or such other means or methodology proven to mitigate the emission of carbon dioxide from the affected facility. If best available control technology is applied, the owner or operator shall not be required to reapply best available control technology thereafter unless otherwise required because of a major

modification to the affected facility. The issuance of any air permit shall not be delayed or deferred pending the establishment of any rules and regulations regulating carbon dioxide.

New Sec. 8. (a) (1) By the year 2012, for each public utility, the nameplate capacity of the renewable electric generation facilities included in the public utility's generation portfolio, whether owned by the public utility or contracted for energy purchase by the public utility, shall be no less than 10% of the public utility's peak load, expressed in megawatts, in the state of Kansas, for a three-year average for the 2008, 2009 and 2010 calendar years.

(2) By the year 2016, for each public utility, the nameplate capacity of the renewable electric generation facilities included in the public utility's generation portfolio, whether owned by the public utility or contracted for energy purchase by the public utility, shall be no less than 15% of the public utility's peak load, expressed in megawatts, in the state of Kansas, for a three-year average for the 2012, 2013 and 2014 calendar years.

(3) By the year 2020, for each public utility, the nameplate capacity of the renewable electric generation facilities included in the public utility's generation portfolio, whether owned by the public utility or contracted for energy purchase by the public utility, shall be no less than 20% of the public utility's peak load, expressed in megawatts, in the state of Kansas, for a three-year average for the 2016, 2017 and 2018 calendar years.

(b) The state corporation commission shall establish rules and regulations to govern reporting requirements and prevention of duplication of the application of the requirements of this section.”;

And by relettering the remaining subsection accordingly;

Also on page 5, in line 35, by striking the comma and inserting “:

(1) “Public utility” means an 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; and

(2)”;

Also on page 5, in line 38, before the period by inserting “and the capacity of all net metering systems operating under the net metering and easy connection act”; in line 39, by striking “10 through 25” and inserting “9 through 25”;

On page 6, in line 1, by striking “fuel” where it appears for the first time and inserting “energy”; also in line 1, by striking “for the”; in line 2, by striking all before “as” and inserting “and purchased energy for the preceding 12 months for the utility, or in the case of a non-generating utility, for such utility's wholesale power supplier,”; by striking all in lines 5 through 28;

And by relettering the remaining subsections accordingly;

On page 7, in line 5, after “mechanism” by inserting “accessible by electric utility personnel”; in line 25, after “supplier's” by inserting “Kansas”;

On page 8, following line 11, by inserting:

“New Sec. 13. 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.”;

And by renumbering the remaining sections accordingly;

Also on page 8, in line 31, by striking “12” and inserting “11”; in line 33, by striking “fuel cost of” and inserting “energy cost for”;

On page 9, in line 21, by striking “13” and inserting “12”;

On page 10, in line 41, by striking all after “towards”; in line 42, by striking all before “of” and inserting “accomplishment by the respective retail electric supplier, or the wholesale generator supplying electric energy to the retail electric supplier,”;

On page 11, in line 40, by striking the period and inserting “; and

(C) “avoided energy cost” means the average cost of fuel and purchased energy for the preceding 12 months for the utility, or in the case of a non-generating utility, such utility's wholesale power supplier, as defined by the governing body with jurisdiction over any electric cooperative utility or electric public utility.”;

On page 12, in line 19, by striking all after “the” and inserting “avoided energy cost”; in line 22, by striking all before the period and inserting “avoided energy cost”; in line 26, by striking “11” and inserting “10”;

On page 14, in line 7, by striking all after the second “the”; by striking all in line 8 and inserting “requirements of section 8, and amendments thereto.”; in line 10, after “state’s” by inserting “renewable”; also in line 10, by striking “by wind power”; following line 10, by inserting:

“(h) The provisions of the net metering and easy connection act shall not preclude the state corporation commission from approving net metering tariffs upon request of an electric utility for other methods of renewable generation not prescribed in subsection (c)(1) of section 10, and amendments thereto.”;

On page 19, in line 12, by striking all after “issue”; by striking all in line 13 and inserting “, amend, revise or renew the permit consistent with the provisions of this act.”; following line 30, by inserting:

“Sec. 30. K.S.A. 65-3012 is hereby amended to read as follows: 65-3012. (a) Notwithstanding any other provision of this act, the secretary may take such action *against any existing source* as may be necessary to protect the health of persons or the environment: (1) Upon receipt of information that the emission of air pollution presents ~~a~~ *an imminent and substantial endangerment* to the health of persons or to the environment; or (2) for an imminent or actual violation of this act, any rules and regulations adopted under this act, any orders issued under this act or any permit conditions required by this act.

(b) The action the secretary may take under subsection (a) includes but is not limited to:

(1) Issuing an order directing the owner or operator, or both, to take such steps as necessary to prevent the act or eliminate the practice. Such order may include, with respect to a facility or site, temporary cessation of operation.

(2) Commencing an action to enjoin acts or practices specified in subsection (a) or requesting the attorney general or appropriate county or district attorney to commence an action to enjoin those acts or practices. Upon a showing by the secretary that a person has engaged in those acts or practices, a permanent or temporary injunction, restraining order or other order may be granted by any court of competent jurisdiction. An action for injunction under this subsection shall have precedence over other cases in respect to order of trial.

(3) Applying to the district court in the county in which an order of the secretary under subsection (b)(1) will take effect, in whole or in part, for an order of that court directing compliance with the order of the secretary. Failure to obey the court order shall be punishable as contempt of the court issuing the order. The application under this subsection for a court order shall have precedence over other cases in respect to order of trial.

(c) In any civil action brought pursuant to this section in which a temporary restraining order or preliminary injunction is sought, it shall not be necessary to allege or prove at any stage of the proceeding that irreparable damage will occur should the temporary restraining order or preliminary injunction not be issued or that the remedy at law is inadequate, and the temporary restraining order or preliminary injunction shall issue without such allegations and without such proof.

(d) Any order of the secretary pursuant to subsection (b)(1) is subject to hearing and review in accordance with the Kansas administrative procedure act.”;

And by renumbering sections accordingly;

On page 21, in line 39, by striking the comma where it appears for the first time and inserting “and”; also in line 39, by striking “and 2010”; in line 43, by striking all after “occupied”;

On page 22, by striking all in lines 1 through 18 and inserting “multiple family dwellings, \$100 per dwelling unit located immediately below the attic space where sufficient ceiling insulation is installed to achieve an insulation value of R-52; and”; in line 19, by striking “(3)” and inserting “(2)”;

in line 21, by striking “, ventilation or” and inserting “and”; On page 23, in line 13, by striking “31” and inserting “32”; also in line 13, by striking the comma where it appears for the third time and inserting “and”; in line 14, by striking “and 2010”; in line 31, by striking “generates”; by striking all in lines 32 through 35 and inserting

“(A) Commenced operation on or after January 1, 2008; (B) generates electricity in this state; (C) combusts coal in an amount greater than 10% of its total heat input on a rolling 12-month basis; and (D) is a new unit.”; in line 38, before the period by inserting “as determined using the coal analysis procedures established in the United States environmental protection agency’s mercury information collection request, as amended”; in line 43, by striking “measured” and inserting “calculated”;

On page 24, after line 3, by inserting the following:

“Sec. 35. K.S.A. 2007 Supp. 74-616 is hereby amended to read as follows: 74-616. In addition to other powers and duties provided by law, in administering the provisions of this act the state corporation commission shall:

(a) Adopt rules and regulations necessary for the administration of this act;
 (b) develop a comprehensive state energy conservation plan and the procedures for implementing the plan according to federal requirements;

(c) *allow, for commission approved energy efficiency, conservation and demand management programs, at the option of the requesting utility, the capitalization and addition to rate base of investments in and expenditures for such approved programs;*

(d) make requests for and accept funds and other assistance from federal agencies for energy conservation and other energy-related activities in this state, including, but not limited to, the state energy program;

~~(e)~~ (e) administer federal energy conservation programs in this state; *and*

~~(f)~~ (f) prepare an emergency management plan for natural gas and electric energy to be adopted during activation of emergency support function 12 of the Kansas response plan established under K.S.A. 48-920 et seq., and amendments thereto, which plan shall include the system of priorities for natural gas and electric energy allocation and curtailment of energy resources consumption established under K.S.A. 74-620, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 24, in line 9, after “65-3008b” by inserting “, 65-3012”; in line 10, by striking “and 66-1,184” and inserting “, 66-1,184 and 74-616”;

On page 1, in the title, in line 12, after “65-3008b” by inserting “, 65-3012”; in line 13, by striking “and 66-1,184” and inserting “, 66-1,184 and 74-616”;

And your committee on conference recommends the adoption of this report.

CARL DEAN HOLMES
 ROBERT OLSON
Conferees on part of House

JAY SCOTT EMLER
 PAT APPLE
 JANIS K. LEE
Conferees on part of Senate

Senator Emler moved the Senate adopt the Conference Committee Report on **H Sub for SB 327**.

On roll call, the vote was: Yeas 31, Nays 7, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, Lee, Lynn, Morris, Ostmeyer, Palmer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wilson.

Nays: Betts, Francisco, Hensley, Kelly, Schodorf, Steineger, Wysong.

Present and Passing: Wagle.

Absent or Not Voting: McGinn.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. VICE PRESIDENT: Today I am voting No on **H Sub for SB 327**. My decision to vote No on this legislation has EVERYTHING to do with Kansas. Kansas’ energy policy needs to be balanced, consistent and fair: Fair to the people regarding health and environmental

protections. And fair to the concerns of business and the Kansas economy. In my perspective **H Sub for SB 327** does not do that.

I am looking forward to seeing legislation that will offer alternative energy sources like geothermal, wind, solar and hydro. The long-term health, and future of generations to come is far greater than rushing a bill through without considering healthy options for a healthy future.

If we are going to honor the mission of the Kansas Health Foundation, “to make Kansas the number one place in the nation to raise a child,” we must choose options that will provide a bright and healthy future for generations to come. — DONALD BETTS, JR.

MR. VICE PRESIDENT — I want to extend my thanks to the conference committee for the changes and additions they have made to this bill. It is good to have this language, and I hope this body will have the opportunity to evaluate these proposals on their own merits. However, I am not convinced that the changes could, in any way, balance the negative impact that the restriction on the actions of the Secretary of the Department of Health and Environment, the redefinition of an electric cooperative, and the construction of an uncertain number of new coal plants would have on our environment. Mr. Vice President, I vote NO on the conference committee report for the **House Substitute for Senate Bill 327**. — MARCI FRANCISCO

MR. VICE PRESIDENT: I vote no on **House Substitute for Senate Bill 327**.

I strongly oppose prohibiting the Secretary of Health and Environment from doing his job - to protect the health of Kansas citizens and the environment.

This bill establishes a bad precedent of abdicating state regulatory responsibility to unknown federal standards.

Supporters believe that there is “regulatory uncertainty” in Kansas. What could be more uncertain than to leave future regulatory decisions in the hands of 165 legislators?

To argue “regulatory uncertainty” is not supported by the record of the Kansas Department of Health and Environment.

The ONLY permit denied by KDHE in five years has been the application to build two 700 MGW coal-fired plants. In that same time period, KDHE has approved over 2,800 permits to help existing Kansas businesses grow and to bring new businesses to our state. KDHE’s record is a far cry from regulatory uncertainty.

This bill is industry-driven and falls far short of a long-term, comprehensive energy policy for clean, affordable and secure sources of energy to meet our state’s growing demand.

Fortunately, there is still time in this session to reach a responsible compromise on this issue - a compromise that includes both houses and the Governor. — ANTHONY HENSLEY

Senator Kelly requests the record to show she concurs with the “Explanation of Vote” offered by Senator Hensley on **House Substitute for Senate Bill 327**.

MR. VICE PRESIDENT: **House Substitute for SB 327** is watershed legislation for our state. It is a masterful compromise, a realistic solution and a futuristic approach to regulatory certainty for Kansas. As this controversial issue has made its way through the process, it has picked up much steam from both supporters and opponents. As I have listened to my constituents and learned more about the issue each day, I am now ready to lead my district in the implementation of the new provisions. May Kansas flourish both economically and environmentally with the passage of **House Substitute for SB 327**. — JULIA LYNN

Senator Journey requests the record to show he concurs with the “Explanation of Vote” offered by Senator Lynn on **House Substitute for SB 327**.

MR. VICE PRESIDENT: I am concerned that the compromises that were necessary to bring this bill to a 2nd vote will ultimately result in an increase in utility bills for all Kansans. I do not believe that is the price most Kansans are willing to pay in exchange for economic development in Western Kansas. — SUSAN WAGLE

Senator Schordorf requests the record to show she concurs with the “Explanation of Vote” offered by Senator Wagle on **H Sub for SB 327**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

On motion of Senator Huelskamp the Senate nonconcurrred in the House amendments to **SB 196** and requested a conference committee be appointed.

The Vice President appointed Senators Huelskamp, Reitz and Betts as a conference committee on the part of the Senate.

REPORT ON ENGROSSED BILLS

House Substitute for SB 359 reported correctly engrossed February 29, 2008.

REPORT ON ENROLLED BILLS

H Sub for SB 359 reported correctly enrolled, properly signed and presented to the Governor on March 5, 2008.

SR 1818 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on March 5, 2008.

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 577** be amended by substituting a new bill to be designated as "Substitute for SENATE BILL No. 577," as follows:

"Substitute for SENATE BILL No. 577
By Committee on Federal and State Affairs

"AN ACT enacting the radon awareness law and the radon certification law; amending K.S.A. 48-1625 and repealing the existing section."; and the substitute bill be passed.

Committee on **Judiciary** recommends **HB 2656** 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 **Natural Resources** recommends **HB 2748** be passed.

Also, **HB 2692** 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 **Transportation** recommends **HB 2665** 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 **Ways and Means** recommends **SB 651** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 8:30 a.m., Friday, March 7, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

