

# Journal of the House

FORTIETH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, March 6, 2001, 11:00 a.m.

The House met pursuant to adjournment with Speaker Glasscock in the chair.

The roll was called with 122 members present.

Rep. Flaharty was excused on verified illness.

Reps. Bethell and Tapanelli were excused on excused absence by the Speaker.

Prayer by Chaplain Svoboda-Barber:

God of Love and Life  
breathe your calming presence  
onto this place  
so that all of us here  
may go about our business  
with graciousness,  
with dedication,  
and with a knowledge  
of your spirit  
in our hearts

May God be with each of us. Amen.

The Pledge of Allegiance was led by Rep. Miller.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2549.** An act concerning worthless checks; amending K.S.A. 2000 Supp. 60-2610 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2550.** An act concerning the director of the division of accounts and reports; relating to the powers and duties thereof; amending K.S.A. 75-3735 and repealing the existing section, by Committee on Appropriations.

**HB 2551.** An act concerning the secretary of administration; relating to reimbursement rates for mileage and travel subsistence; amending K.S.A. 75-3201, 75-3203, 75-3203a, 75-3207 and 75-3207a and repealing the existing sections, by Committee on Appropriations.

**HB 2552.** An act concerning certain state institutions; relating to certain funds; amending K.S.A. 75-3728e, 75-3728f and 76-12a25 and K.S.A. 2000 Supp. 76-172 and repealing the existing sections; also repealing K.S.A. 75-3728h and 75-3728i, by Committee on Appropriations.

**HB 2553.** An act concerning the Kansas bureau of investigation; relating to unclassified employees; amending K.S.A. 75-711 and repealing the existing section, by Committee on Appropriations.

**HB 2554.** An act concerning animals; relating to the treatment thereof, by Committee on Federal and State Affairs (By request).

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills and resolutions were referred to committees as indicated:

e-Government: **SB 227**.

**CONSENT CALENDAR**

No objection was made to **SB 87, SB 148** appearing on the Consent Calendar for the first day.

No objection was made to **HCR 5014; SB 60** appearing on the Consent Calendar for the second day.

**MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Holmes, the House nonconcurrred in Senate amendments to **HB 2099** and asked for a conference.

Speaker Glasscock thereupon appointed Reps. Holmes, Sloan and McClure as conferees on the part of the House.

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **HB 2144**. An act relating to vehicle registration; exempting truck mounted concrete pump with boom; amending K.S.A. 2000 Supp. 8-128 and repealing the existing section.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aday, Alldritt, Aurand, Ballard, Ballou, Barnes, Beggs, Benlon, Boston, Burroughs, Campbell, Compton, Cook, Cox, Crow, Dahl, DeCastro, Dillmore, DiVita, Dreher, Edmonds, Faber, Feuerborn, Findley, Flora, Freeborn, Garner, Gatewood, Gilbert, Glasscock, Gordon, Grant, Hayzlett, Henderson, Henry, Hermes, Holmes, Horst, Howell, Huebert, Huff, Humerickhouse, Hutchins, Huy, Johnson, Kauffman, Kirk, Klein, Kline, Krehbiel, Kuether, Landwehr, Lane, Larkin, Levinson, Light, Lightner, Lloyd, Loganbill, M. Long, P. Long, Loyd, Mason, Mayans, Mays, McClure, McCreary, McKinney, McLeland, Merrick, Miller, Minor, Jim Morrison, Judy Morrison, Myers, Neufeld, Newton, Nichols, Novascone, O'Neal, Osborne, Ostmeyer, Palmer, Patterson, Pauls, E. Peterson, J. Peterson, Phelps, Pottorff, L. Powell, T. Powell, Powers, Pyle, Ray, Reardon, Rehorn, Ruff, Schwartz, Sharp, Showalter, Shriver, Shultz, Sloan, Spangler, Stone, Storm, Swenson, Tanner, Thimesch, Toelkes, Tomlinson, Toplikar, Vickrey, Weber, Wells, Welshimer, Wilk, D. Williams, J. Williams, Wilson, Winn.

Nays: None.

Present but not voting: O'Brien.

Absent or not voting: Bethell, Flaharty, Tafanelli.

**INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6011—

By Committee on Utilities

A RESOLUTION requesting the Division of Architectural Services of the Department of Administration to provide for consideration of life-cycle costs in the design of state buildings and major building repairs and improvements.

WHEREAS, Life-cycle costing is the assessment of both the initial costs and the ongoing costs of alternatives in the design of a building, with the goal of minimizing total costs over the life of the building; and

WHEREAS, Life-cycle costing can in the long term save the State of Kansas money in building construction and major building repairs and improvements and conserve valuable resources, including energy resources; and

WHEREAS, K.S.A. 75-3783 authorizes adoption of standards for planning and design of state building construction and major building repairs and improvements and K.S.A. 75-3739 allows bid specifications to include life-cycle cost formulas: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the Division of Architectural Services of the Department of Administration is requested to provide for

consideration of life-cycle costs during the design phase of state building construction and major repairs and improvements to state buildings; and

*Be it further resolved:* That the Division is requested to report, on or before the first day of the 2002 regular legislative session, to the House and Senate Standing Committees on Utilities and the Joint Committee on Building Construction regarding measures taken to provide for consideration of life-cycle costs as authorized by K.S.A. 75-3739 and 75-3783; 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 Director of Architectural Services and to the Secretary of Administration.

On motion of Rep. Weber, the House went into Committee of the Whole, with Rep. Pauls in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that **SB 242** be passed.

Committee report to **SB 5** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

The Committee on **Agriculture** recommends **SB 59**, **SB 162** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Education** recommends **SB 24** be passed.

The Committee on **Ethics and Elections** recommends **HB 2490** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2490," as follows:

"Substitute for HOUSE BILL No. 2490

By Committee on Ethics and Elections

"AN ACT concerning state officers and employees; concerning compensation of state officers and employees; concerning governmental ethics; amending K.S.A. 46-137a, 46-229, 46-237, 46-269 and 46-271 and repealing the existing sections; also repealing K.S.A. 46-237a and 46-3101.";

and the substitute bill be passed.

(**Sub. HB 2490** was thereupon introduced and read by title.)

The Committee on **Federal and State Affairs** recommends **HCR 5021**; **HR 6007** be adopted.

The Committee on **Financial Institutions** recommends **SB 70**, **SB 130**, **SB 142** be passed.

The Committee on **Higher Education** recommends **SB 196**, as amended by Senate Committee, be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

The Committee on **Higher Education** recommends **SB 10**, as amended by Senate Committee, be amended on page 2, following line 34, by inserting a new paragraph as follows:

"(c) Notwithstanding any of the powers, duties and functions conferred and imposed upon the state board of regents under the Kansas higher education coordination act, the boards of trustees of the community colleges shall continue to have custody of and be responsible for the property of their respective community colleges and shall be responsible for the operation, management and control of such community colleges, except as otherwise expressly provided by law.";

In the title, in line 12, after the semicolon, by inserting "preserving certain powers, duties and functions of community college boards of trustees;"; and the bill be passed as amended.

The Committee on **Judiciary** recommends **HB 2296** be amended on page 1, by striking all in lines 29 through 40 and inserting in lieu thereof the following:

"(2) On a first conviction of a violation of this section, in addition to any other sentence imposed, a person shall be fined the lesser of the amount of the forged instrument or \$500.

(3) On a second conviction of a violation of this section, a person shall be required to serve at least 30 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$1,000.

(4) On a third or subsequent conviction of a violation of this section, a person shall be required to serve at least 45 days' imprisonment as a condition of probation, and fined the lesser of the amount of the forged instrument or \$2,500.

(5) The person convicted shall not be eligible for release on probation, suspension or reduction of sentence or parole until the person has served the mandatory sentence as provided herein.”;

On page 5, in line 23, before the comma, by inserting “and”; also in line 23, by striking all after “21-3412”; in line 24, by striking all before the comma; in line 27, after the period, by inserting: “If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto.”; and the bill be passed as amended.

The Committee on **Utilities** recommends **SCR 1607**, as amended by Senate Committee, be adopted.

The Committee on **Utilities** recommends **HB 2266** be amended on page 2, in line 27, by striking “or”; in line 32, before “and” by inserting “or (C) uses natural gas for the purpose of generating electricity on a peaking basis at a capacity factor not to exceed 20% in any year;”; in line 41, by striking all after “technologies”; in line 42, by striking all before the period;

On page 4, in line 34, after the period, by inserting “An electric generation facility described in subsection (e)(2)(C) of K.S.A. 66-104, and amendments thereto, which exceeds the capacity factor limit of that subsection in a taxable year shall not be required to forfeit the exemption provided by this section if the average annual capacity factor of such facility for such year and the preceding taxable year does not exceed 20%. If such annual average for the two-year period exceeds 20%, the exemption shall be forfeited for the taxable year.”;

Also on page 4, in line 35, by striking “(b)”; also in line 35, by striking “section shall apply” and inserting “subsection shall apply from and after commencement of construction of such property and”; after line 37, by inserting:

“(b) All pollution control devices purchased for or constructed or installed at electric generation facilities described in subsection (e) of K.S.A. 66-104, and amendments thereto.

The provisions of this subsection shall apply from and after purchase or commencement of construction or installation of such property and for the 10 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.”;

On page 5, after line 9, by inserting:

“New Sec. 8. Each generation facility described in subsection (e)(2)(B) or (e)(2)(C) shall report annually to the state corporation commission such information as required by the commission to determine whether such facility meets the criteria of such subsection and is qualified for the tax exemption provided for by section 6, and amendments thereto. If the facility is not qualified for such exemption, the commission shall make a written report thereof to the director of taxation of the department of revenue.

New Sec. 9. (a) As used in this section, “renewable generation facility” means a facility which generates electricity solely by use of wind, solar, thermal, photovoltaic, biomass, refuse incineration, hydropower, geothermal, landfill gas or other renewable resources or technologies.

(b) For the purpose of financing the construction, renovation or repair of one or more renewable generation facilities, each having a capacity of more than two but less than 25 megawatts, the Kansas development finance authority is hereby authorized to issue revenue bonds in amounts sufficient to pay the costs of such construction, renovation or repair, including any required interest on the bonds during construction, renovation or repair, plus all amounts required for costs of the bond issuance and for any required reserves on the bonds. The bonds, and interest thereon, issued pursuant to this section shall be payable

from revenues derived from sales of electricity generated by the renewable generation facility or facilities.

(c) Revenue bonds, including refunding revenue bonds, issued hereunder shall not constitute an indebtedness of the state of Kansas, nor shall they constitute indebtedness within the meaning of any constitutional or statutory provision limiting the incurring of indebtedness.

(d) Revenue bonds, including refunding revenue bonds, issued hereunder and the income derived therefrom are and shall be exempt from all state, county and municipal taxation in the state of Kansas, except Kansas estate taxes.

New Sec. 10. The director of property valuation of the department of revenue shall contract with counties to determine on behalf of counties for *ad valorem* tax purposes the fair market valuation of electric generation facilities described in subsection (e) of K.S.A. 66-104, and amendments thereto.

New Sec. 11. If any provisions of this act or its application to any person or circumstances is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provisions or application. To this end the provisions of this act are severable.”;

By renumbering the remaining sections accordingly; and the bill be passed as amended.

The Committee on **Utilities** recommends **HB 2268** be amended on page 1, in line 41, by striking “or” where it appears for the last time; also in line 41, following “(E)” by inserting “the property is a facility or addition to a facility using natural gas for the purpose of generating electricity on a peaking basis at a capacity factor not to exceed 20% in any year, which facility or addition to a facility is placed in service on or after January 1, 2001; or (F)”;

On page 2, in line 7, preceding “of” by inserting “or (b)(2)(E)”;

in line 30, preceding “of” by inserting “or (b)(2)(E)”;

in line 31, following the period, by inserting “An electric generation facility described in subsection (b)(2)(E) of K.S.A. 66-128, and amendments thereto, which exceeds the capacity factor limit of that subsection in a taxable year shall not be required to forfeit the exemption provided by this section if the average annual capacity factor of such facility for such year and the preceding taxable year does not exceed 20%. If such annual average for the two-year period exceeds 20%, the exemption shall be forfeited for the taxable year.”;

in line 32, by striking “(b)”;

also in line 32, by striking “section shall apply” and inserting “subsection shall apply from and after commencement of construction of such property and”;

following line 34, by inserting the following:

“(b) All pollution control devices purchased for or constructed or installed at electric generation facilities described in subsection (b)(2)(D) or (b)(2)(E) of K.S.A. 66-128, and amendments thereto.

The provisions of this subsection shall apply from and after purchase or commencement of construction or installation of such property and for the 10 taxable years immediately following the taxable year in which such property is purchased or construction or installation of such property is completed.”;

Also on page 2, in line 41, by striking “(b)(2)(E)” and inserting “(b)(2)(F)”;

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 bills were thereupon introduced and read by title:

**HB 2555.** An act enacting the Kansas children and family services accountability act; prescribing certain duties and responsibilities for the secretary of social and rehabilitation services and the department of social and rehabilitation services; providing for certain studies and reports, by Committee on Appropriations.

**HB 2556.** An act enacting the Kansas children and family services accountability reform act; prescribing certain duties and responsibilities for the secretary of social and rehabilitation services and the department of social and rehabilitation services; providing for certain studies and reports, by Committee on Appropriations.

**REPORT ON ENGROSSED BILLS**

**HB 2144** reported correctly re-engrossed March 6, 2001.

**REPORT ON ENROLLED BILLS**

**HB 2032** reported correctly enrolled, properly signed and presented to the governor on March 6, 2001.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6008** reported correctly enrolled and properly signed on March 6, 2001.

On motion of Rep. Weber, the House adjourned until 11:00 a.m., Wednesday, March 7, 2001.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

