

# Journal of the House

## SEVENTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 4, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Vickrey in the chair.

The roll was called with 113 members present.

Reps. O'Neal and Sloan were excused on legislative business.

Reps. Aurand, Bollier, Finney, Hayzlett, M. Holmes, Huebert, Kelley, Kerschen, Weber and K. Wolfe were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

God, today I pray Your Word  
as written in Proverbs 16.  
*"A good leader motivates,  
doesn't mislead, doesn't exploit.  
God cares about honesty in the workplace,  
your business is His business.  
Good leaders abhor wrongdoing of all kinds;  
sound leadership has a moral foundation.  
Good leaders cultivate honest speech;  
they love advisers who tell them the truth.  
Good-tempered leaders invigorate lives;  
they're like spring rain and sunshine.  
Get wisdom—it's worth more than money;  
choose insight over income every time.  
The road of right living bypasses evil;  
watch your step and save your life."*  
(Proverbs 16:10-13, 15-17, *The Message*)  
In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Slattery.

Kansas Trivia Question – It may sound like a joke, but it's true: the Kansas State Forest in Pottawatomie County has just one tree. What is it?

Answer: The Vieux Elm, which is nearly 300 years old and is the largest American elm.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2143**, AN ACT concerning utilities; relating to electric generation, transmission and distribution facilities and recovery of costs for energy storage devices; amending K.S.A. 2010 Supp. 66-1239, 66-1240 and 66-1247 and repealing the existing sections, by Committee on Energy and Utilities.

**HB 2144**, AN ACT concerning utilities; relating to natural gas public utilities; rates and charges, by Committee on Energy and Utilities.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills and concurrent resolution were referred to committees as indicated:

Calendar and Printing: **HCR 5008**.

Children and Families: **HB 2137**.

Corrections and Juvenile Justice: **HB 2138**.

Energy and Utilities: **HB 2141**.

Government Efficiency: **HB 2140**.

Insurance: **HB 2136**, **HB 2139**.

Judiciary: **HB 2142**.

**COMMUNICATIONS FROM THE STATE OFFICERS**

From Nick Jordan, Secretary, Kansas Department of Revenue, as required by K.S.A. 79-32-261(f), Annual Report on Higher Education Deferred Maintenance Tax Credit, January 31, 2011.

From Thomas E. Wright, Chairman, Kansas Corporation Commission, pursuant to K.S.A. 66-117b, Report to the Kansas Legislature on Changes in Rates and Schedules. The report can be viewed at [http://kcc.ks.gov/11\\_legis\\_rpt.pdf](http://kcc.ks.gov/11_legis_rpt.pdf).

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

**MESSAGE FROM THE SENATE**

Announcing passage of **SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 40**.

Announcing adoption of **HCR 5003**, as amended.

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 13**, **SB 14**, **SB 15**, **SB 17**, **SB 40**; **HCR 5003**.

**CONSENT CALENDAR**

No objection was made to **HB 2056** appearing on the Consent Calendar for the third

day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker pro tem Vickrey announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

On motion of Rep. Siegfried, the House resolved into Committee of the Whole, with Rep. Carlson in the chair.

### COMMITTEE OF THE WHOLE

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

Recommended that **HB 2020** be passed.

Committee report to **HB 2049** be adopted; and the bill be passed as amended.

Committee report to **HB 2088** be adopted; also, on motion of Rep. Worley to rerefer the bill to Committee on Commerce and Economic Development, the motion did not prevail.

Also, on further motion of Rep. Worley to table **HB 2088** to be the first order of business on February 9 or the next following business day, the motion did not prevail.

Also, on motion of Rep. Worley to amend **HB 2088**, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute resolution on **Sub. HR 6004** be adopted; also, on motion of Rep. Grant to amend, the motion did not prevail. Also, on motion of Rep. Otto to amend, the motion did not prevail.

Also, on motion of Rep. Brookens, **Sub. HR 6004** be amended on page 30, in line 13, by adding after the word "online" the following phrase: "and all members shall be notified by email";

Also, roll call was demanded on motion of Rep. S. Gatewood to amend **Sub. HR 6004** on page 32, by striking all in lines 3 through 5;

On roll call, the vote was: Yeas 42; Nays 65; Present but not voting: 0; Absent or not voting: 18.

Yeas: Ballard, Bethell, Bowers, Brookens, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grant, Henderson, Henry, Hill, Hineman, Kuether, Loganbill, Mah, McCray-Miller, Meier, Moxley, Otto, Pauls, Phelps, Pottorff, Roth, Ruiz, Schroeder, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Arpke, Billinger, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Alford, Aurand, Bollier, Finney, Fund, Hayzlett, M. Holmes,

Huebert, Kelley, Kerschen, Lane, O'Neal, Peterson, Schwab, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. S. Gatewood did not prevail.

Also, on motion of Rep. Trimmer to amend **Sub. HR 6004**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Frownfelter to amend **Sub. HR 6004** on page 17, in line 6, after "2110" by inserting "and 2011"; On page 18, after line 12, by inserting:

**"Rule 2111. Floor Amendments to Certain Tax Bills.** Unless by majority consent to correct an error in drafting, no floor amendment to create a new tax exemption, credit or deduction or to increase or expand an existing tax exemption, credit or deduction that would be enacted in a bill, shall be in order, unless the amendment contains a provision reducing, by like or greater amount, a new or existing tax exemption, credit or deduction, a provision creating, by like or greater amount, a new tax, a provision increasing the rate of, by like or greater amount, an existing tax in another provision of such bill, or a provision reducing, by like or greater amount, expenditures that would otherwise be authorized in an appropriations bill, or any combination thereof."

On roll call, the vote was: Yeas 33; Nays 74; Present but not voting: 0; Absent or not voting: 18.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Phelps, Pottorff, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Aurand, Bethell, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Roth, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. Frownfelter did not prevail.

Also, roll call was demanded on motion of Rep. Davis to amend **Sub. HR 6004** on page 32, in line 4, by striking "Caucuses of the House minority party may be closed as"; by striking all in line 5;

On roll call, the vote was: Yeas 32; Nays 71; Present but not voting: 1; Absent or not voting: 21.

Yeas: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Ruiz, Slattery, Spalding, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Nays: Alford, Arpke, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Present but not voting: Otto.

Absent or not voting: Aurand, Bethell, Billinger, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Pottorff, Roth, Schwab, Schwartz, Sloan, Weber, K. Wolf.

The motion of Rep. Davis did not prevail.

Also, on motion of Rep. Brookens, **Sub. HR 6004** be amended as amended by House Committee of the Whole in the amendment adopted on motion of Representative Brokens, by striking "line 13" and inserting "line 12";

Also, roll call was demanded on motion to recommend **Sub. HR 6004** favorably for adoption.

On roll call, the vote was: Yeas 74; Nays 34; Present but not voting: 0; Absent or not voting: 17.

Yeas: Alford, Arpke, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, Howell, Johnson, Kelly, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, B. Wolf, Worley.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Roth, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Aurand, Bollier, Finney, Fund, Hayzlett, Hill, M. Holmes, Huebert, Kelley, Kerschen, O'Neal, Peterson, Schwartz, Sloan, Spalding, Weber, K. Wolf.

The motion prevailed and **Sub. HR 6004** be adopted as amended.

## REPORTS OF STANDING COMMITTEES

Committee on **Health and Human Services** recommends **HB 2129** be passed.

Committee on **Health and Human Services** recommends **HCR 5007** be amended on page 1, in line 21, after "fines" by inserting "nor prohibits from gaining state medical licensure,"; and the resolution be adopted as amended.

Committee on **Judiciary** recommends **HB 2028** be amended on page 1, in line 24, after "insured" by inserting ", or children of the insured's stepchild, either by blood or

law.

(c) This section shall be part of and supplemental to the Kansas uniform trust code."; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2117** be amended on page 1, in line 12, by striking all after "5.7%"; by striking all in lines 13 through 16; in line 17, by striking all before "upon" and inserting a comma;

On page 6, after line 19, by inserting the following new section:

"Sec. 2. K.S.A. 2010 Supp. 79-3703 is hereby amended to read as follows: 79-3703. There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using, storing, or consuming within this state any article of tangible personal property. Such tax shall be levied and collected in an amount equal to the consideration paid by the taxpayer multiplied by the rate of 5.3%, and commencing July 1, 2010, at the rate of 6.3%, and commencing July 1, 2013, at the rate of 5.7%. ~~Within a redevelopment district established pursuant to K.S.A. 74-8921, and amendments thereto, there is hereby levied and there shall be collected and paid an additional tax of 2% until the earlier of: (1) The date the bonds issued to finance or refinance the redevelopment project undertaken in the district have been paid in full; or (2) the final scheduled maturity of the first series of bonds issued to finance the redevelopment project.~~ All property purchased or leased within or without this state and subsequently used, stored or consumed in this state shall be subject to the compensating tax if the same property or transaction would have been subject to the Kansas retailers' sales tax had the transaction been wholly within this state.";

And by renumbering sections accordingly;

Also on page 6, in line 20, by striking "is" and inserting "and 79-3703 are";

On page 1, in the title, in line 1, after "sales" by inserting "and use"; in line 2, after "79-3603" by inserting "and 79-3703"; in line 3, by striking "section" and inserting "sections"; and the bill be passed as amended.

## REPORT OF STANDING COMMITTEE

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

**Request No. 19**, by Representative Alford, congratulating Rebecca Hicks in recognition for winning the Southwest Essay Award, League of Kansas Municipalities;

**Request No. 20**, by Representative Hayzlett, congratulating Samuel Ricketts, on being awarded the Eagle Scout Award;

**Request No. 21**, by Representative Hayzlett, congratulating Travis Powell, on being awarded the Eagle Scout Award;

**Request No. 22**, by Representative Hineman, congratulating Zane Ward on exhibiting the Catch-a-Calf Grand Champion, 2011 National Western Stock Show;

**Request No. 23**, by Representative Hineman, congratulating Hudson Stramel on exhibiting the Reserve Grand Champion Yorkshire Swine, 2011 National Western Stock Show;

**Request No. 24**, by Representative Bruchman, congratulating Deanna Rice on receiving the Girl Scouts Gold Award;

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. Siegfroid, the committee report was adopted.

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 and concurrent resolution were thereupon introduced and read by title:

**HB 2145**, AN ACT concerning orders for relief of abuse; amending K.S.A. 2010 Supp. 60-3107 and repealing the existing section, by Committee on Aging and Long Term Care.

**HB 2146**, AN ACT designating pallasitic peridot as the official gemstone of the state of Kansas, by Representative Grange.

**HB 2147**, AN ACT concerning adult care homes, relating to the definition of a home plus residence or facility; amending K.S.A. 2010 Supp. 39-923 and repealing the existing section, by Committee on Aging and Long Term Care.

**HB 2148**, AN ACT concerning continuing care retirement facilities; relating to continuing care contracts; disclosure statements; application fees; amending K.S.A. 40-2231, 40-2233 and 40-2235 and repealing the existing sections, by Committee on Aging and Long Term Care.

**HB 2149**, AN ACT concerning the department of wildlife and parks; relating to land acquisition; amending K.S.A. 2010 Supp. 32-833 and repealing the existing section, by Committee on Agriculture and Natural Resources Budget.

**HB 2150**, AN ACT concerning consumer protection; relating to automatic renewals of business services; amending K.S.A. 50-617 and repealing the existing section, by Committee on Commerce and Economic Development.

**HB 2151**, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, by Committee on Corrections and Juvenile Justice.

**HB 2152**, AN ACT concerning crimes, criminal procedure and punishment; relating to operating a vessel under the influence of drugs or alcohol; amending K.S.A. 32-1130 and repealing the existing section; also repealing K.S.A. 32-1131. , by Committee on Corrections and Juvenile Justice.

**HB 2153**, AN ACT concerning electioneering communications, by Committee on Elections.

**HB 2154**, AN ACT concerning certain state officers and employees; restricting employment in jobs not official duties, by Committee on Elections.

**HB 2155**, AN ACT concerning elections; pertaining to the use of public service announcements, by Committee on Elections.

**HB 2156**, AN ACT concerning income taxation; relating to corporations; rate of taxation; amending K.S.A. 2010 Supp. 79-32,110 and repealing the existing section, by

Representatives Suellentrop, Brown, Brunk, Crum, DeGraaf, Denning, Goico, Grange, Hayzlett, Hedke, Hermanson, Hoffman, Huebert, Kelley, Kinzer, Kleebe, Landwehr, Mast, McLeland, Montgomery, O'Neal, Osterman, Peck, Powell, Rhoades, Scapa, Seiwert, Vickrey and Weber.

**HB 2157**, AN ACT concerning taxation; regarding tax information; relating to the disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, by Committee on Government Efficiency.

**HB 2158**, AN ACT concerning state agencies; relating to performance measures; amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-72,123 and repealing the existing sections, by Committee on Government Efficiency.

**HB 2159**, AN ACT concerning physical therapists; evaluation and treatment of patients; amending K.S.A. 2010 Supp. 65-2921 and repealing the existing section, by Committee on Health and Human Services.

**HB 2160**, AN ACT concerning taxation; establishing the committee on simplified state tax structure; prescribing membership, duties and responsibilities thereof, by Committee on Taxation.

**HB 2161**, AN ACT concerning sales taxation; relating to situs of taxable transactions; amending K.S.A. 2010 Supp. 12-191 and repealing the existing section, by Committee on Taxation.

**HB 2162**, AN ACT concerning expungement of arrest records; docket fee; amending K.S.A. 2010 Supp. 22-2410 and repealing the existing section, by Committee on Judiciary.

**HB 2163**, AN ACT concerning racial and other profiling; amending K.S.A. 22-4606, 22-4609, 22-4610 and 22-4611 and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, by Committee on Judiciary.

**HB 2164**, AN ACT concerning property; relating to ownership of pore space, by Committee on Energy and Utilities.

**HB 2165**, AN ACT concerning taxation; relating to income tax, rates and elimination of tax on corporations; sales taxation, exemptions, rates and distribution of revenue and imposition of tax on certain services; eliminating food sales tax refund; amending K.S.A. 2010 Supp. 12-198, 79-32,110, 79-3602, 79-3603, 79-3606, 79-3620, 79-3703 and 79-3710 and repealing the existing sections; also repealing K.S.A. 79-3632, 79-3634, 79-3636, 79-3637 and 79-3638 and K.S.A. 2010 Supp. 79-3633, 79-3635 and 79-3639, by Committee on Taxation.

**HB 2166**, AN ACT concerning municipalities; pertaining to using the internet for official publications; amending K.S.A. 12-1651 and 64-101 and repealing the existing sections, by Committee on Appropriations.

**HB 2167**, AN ACT concerning limiting liability of property owners for certain activities; amending K.S.A. 58-3202 and repealing the existing section, by Committee on Agriculture and Natural Resources.

**HB 2168**, AN ACT concerning veterans; relating to veterans benefits; amending K.S.A. 32-901 and K.S.A. 2010 Supp. 73-1217 and repealing the existing sections, by Representative Schwab.



HOUSE CONCURRENT RESOLUTION No. **HCR 5009**—

By Joint Committee on Energy and Environmental Policy

A CONCURRENT RESOLUTION urging the Environmental Protection Agency to develop regulations and standards that minimize adverse impacts and continue to let state permit writers to determine the best available technology for site specific ecosystems.

WHEREAS, Section 316(b) of the Clean Water Act (CWA) requires that cooling water intake structures (CWIS) reflect the best technology available for minimizing adverse environmental impact; and

WHEREAS, The United States Environmental Protection Agency (EPA) has executed a settlement agreement to issue new rules under section 316(b) of the CWA to regulate CWIS proposed by March, 2011 and finalized by July, 2012; and

WHEREAS, This rule is anticipated to cover existing large steam-electric generators including nuclear, coal-based, and natural-gas based power plants as well as some existing small generators and manufacturers that have CWIS; and

WHEREAS, The EPA is considering mandating the use of closed-cycle cooling systems or cooling towers at most power plants; and

WHEREAS, The state of Kansas has applied CWA section 316(b) on a site-by-site basis examining the impacts of CWIS in relation to the specific biological community. This site-specific approach remains the most scientifically valid and cost-effective method of regulating intake impacts; and

WHEREAS, The EPA can choose to continue to allow states to evaluate power plants on a case-by-case basis to determine the best available technology for that site or require using cooling towers uniformly at each site as the best technology available to prevent fish impingement and entrainment; and

WHEREAS, The state of Kansas believes that the site-specific cost-benefit approach used today to regulate Kansas power plant CWIS is the most scientifically valid and cost effective approach to CWA section 316(b) rulemaking; and

WHEREAS, A one-size-fits-all rule would have a negative effect on energy prices, reliability and the environment; and

WHEREAS, The result could precipitate premature closures of power plants and extended plant outages negatively impacting capacity margins for reliability requirements; and

WHEREAS, Consumers will face higher electricity prices; and

WHEREAS, Environmental impacts include increased emissions of greenhouse gases and particulate matter, increased evaporative water losses and increased solid waste production; and

WHEREAS, Cooling towers cause increased evaporative water losses impacting Kansas parks, lakes, rivers and watersheds in a state where water is a very precious resource; and

WHEREAS, No two plants or sites are alike, so state permitting authorities must have the flexibility to take into consideration the unique needs of the affected water body; and

WHEREAS, A widespread requirement to retrofit cooling towers on the existing fleet of once-through cooled power plants would affect approximately 40% of the existing United States electric generation capacity, including almost 55% of the nation's

nuclear capacity and more than 25% of the nation's fossil capacity; and

WHEREAS, The state of Kansas permit writers need the ability to reject cooling towers and the flexibility to recommend other technologies when cooling towers cause more adverse environmental impacts than they prevent; and

WHEREAS, A variety of cooling water intake technologies need to be considered due to the wide variety in the types of power plants, their locations and the aquatic communities they affect: Now, therefore,

*Be it resolved by the House or Representatives of the State of Kansas, the Senate concurring therein:* That we urge the EPA to continue to work to develop regulations and standards under section 316(b) that minimize adverse impacts to the aquatic environment using site specific considerations and cost-benefit analysis; and

*Be it further resolved:* That the EPA will continue to let state permit writers use a meaningful site specific approach that focuses on determining the best available technology for that site specific ecosystem where the benefits of the technology outweigh the negative impacts; and

*Be it further resolved:* That the Secretary of State be directed to provide enrolled copies of this resolution to the Environmental Protection Agency, the State Corporation Commission and the Kansas Department of Health and Environment.

On motion of Rep. Siegfried, the House adjourned until 11:00 a .m. Monday, February 7, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

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