

## INTRODUCTION

During the 2008 Session, 702 bills were introduced: 309 in the Senate and 393 in the House. In addition, 141 Senate bills and 357 House bills were carried over from the 2007 Session, for a grand total of 1,200 bills that were alive during the 2008 Session. Of these 1,200 bills, 184 (15.3 percent) became law: 90 Senate bills and 94 House bills. Further, of the 184 bills becoming law, 163 (88.6 percent) were introduced by committees and 21 (11.4 percent) were introduced by individual legislators.

The Governor vetoed seven bills and five line items. All vetoes were sustained. No bills will be carried over to the 2009 Session of the Legislature. Three of these bills H. SUB. for SB 148, H. House Sub for HB 327, and Senate Sub HB 2802 were Sunflower Electric's coal plant expansion bills. All easily passed both Houses, but there were not enough votes (2/3) to override the Governor's veto.

## ENERGY AND UTILITIES

### **Water Utilities Rate Increases—Procedures**

**SB555** requires water utilities that are regulated by the Kansas Corporation Commission (KCC) and that apply for an increase in rates due to capital improvements, rate of return, or cost of service to provide notice of the proposed increase by means of a bill insert or message in customers' monthly bills following the application or in a separate mailing. The notice must include a comparison of current and proposed rates and a description of the cost increase for a typical customer, in boldface type no smaller than 8-point type, and must include a telephone number the customer could call to receive additional information, as well as the website address for the KCC. The notice must contain information about how a customer may intervene at the KCC's rate hearing.

### **Nuclear Generation Facilities; Joint Committee on Energy and Environmental Policy**

**SB586** enacts new law authorizing electric utilities to recover certain costs related to planning for new nuclear generation capacity and regarding depreciation of nuclear facilities. Existing law is amended regarding rate recovery of certain nuclear facility construction costs. In addition, the bill creates the Joint Committee on Energy and Environmental Policy. Specific provisions of the bill are described below.

#### *Nuclear Power Generation*

The bill requires the Kansas Corporation Commission (KCC) to authorize an adjustment to an electric utility's rates to recover the utility's prudent expenditures for development costs for a new nuclear generation facility, subject to review by the KCC. These development costs include preliminary engineering, study, feasibility, prepayments for major equipment, and permitting.

Electric public utilities may apply for and request from the KCC a predetermination of ratemaking principles that will apply to the utility's rates to recover these development costs. The bill allows an electric utility that receives a license to operate a nuclear generation facility on or after July 1, 2008, to use a book depreciable remaining life of not more than the amount of time remaining on the facility's operating license. In addition, the bill allows the costs of construction for a nuclear generation facility to be included in the customer rate base before the facility is operational.

### ***Joint Committee on Energy and Environmental Policy***

SB 586 also establishes the Joint Committee on Energy and Environmental Policy, an 11-member bipartisan committee. The committee will be composed of six members of the House of Representatives, appointed by the Speaker of the House and the Minority Leader, and five members of the Senate, appointed by the President and the Minority Leader. The political parties will have proportional representation on the Committee. Members of the committee will serve two-year terms, except that the term of initial members appointed on or after November 10, 2008, will end on the first day of the regular 2009 Legislative Session.

Beginning in 2009, the chairperson will serve for a biennium and appointment authority for the chairperson will alternate between the House of Representatives and the Senate. The initial chairperson, and the chairperson for the biennium beginning in 2009, will be a Senator.

The Committee may meet at any time and place within the State on the call of the chairperson. Members will receive compensation, travel expenses and subsistence expenses for attendance at Committee meetings.

The Committee may introduce legislation, and it is required to submit a report before December 31 each year, with any findings it deems necessary concerning energy and environmental policy, to the Legislature and to standing committees assigned to utility, energy, environment and natural resources issues.

### **Kansas Electric Transmission Authority (KETA)**

**SB614** amends existing law regarding notification required to be provided by the Kansas Electric Transmission Authority (KETA) regarding facilities or services contemplated by the Authority. The bill clarifies that the 90-day time period for private entities to respond to a notification from KETA begins when that notice is published in the *Kansas Register*.

### **Third-Party Pay Stations for Utility Payments**

**SR 1832** encourages the Kansas Corporation Commission to review utility billing standards and practices and, if appropriate, to open a docket to examine the quality of service, appropriateness of locations and number of sites for third-party pay stations for utility payments. The Commission is requested to submit a written report to the 2009 Legislature with recommendations to improve service of third-party pay stations.

## **Utility Statute Amendments**

**HB2637** amends existing law:

- Related to price regulations for basic local telecommunications service;
- Regarding local telecommunications carrier of last resort responsibilities;
- Regarding protection of underground water and wastewater utilities;
- Regarding the state One-Call notification center; and
- Regarding procurement of services by the Citizens' Utility Ratepayer Board.

## ***Telecommunication Price Regulation Amendments***

In regard to telecommunications services, existing law is amended to authorize local exchange carriers, after July 1, 2008, to adjust the rates for the initial telephone line and up to four business lines at a single location without approval from the Kansas Corporation Commission (KCC) provided that the rates are not increased in a one-year period by more than the percentage increase in the consumer price index for all urban consumers, nor adjusted below the statutory price floor.

In addition, the bill requires the KCC to use data from July 1, 2008, rather than from July 1, 2006, as the reference point when comparing the weighted, average rate for deregulated nonwireless basic service to the weighted, average rate for all nonwireless basic service. The bill also amends existing law to require that reports from the KCC recommending changes in state law warranted due to the status of telecommunication competition be submitted to all members of the Legislature in addition to the Governor.

Existing law related to the lifeline service program also is amended by the bill. Local telecommunication carriers that have been price deregulated are required to automatically enroll in the program those customers who are eligible for lifeline services. Other carriers also may automatically enroll their eligible customers in the lifeline program. This enrollment will be based on a list of eligible customers provided to the companies by the Department of Social and Rehabilitation Services (SRS). The companies will have to enter into a confidentiality agreement with SRS prior to receiving customers' information. Customers must consent to the release of their personal information. Upon a customer's request, a carrier must discontinue the lifeline service.

The KCC is authorized to approve a wireline service provider's application for eligible telecommunications carrier designation in nonrural service areas in order that the carrier may receive federal Universal Service Fund support equal to that received in the carrier's own service area.

### *Telecommunication Service Providers—Carrier of Last Resort Amendments*

The bill relieves a local exchange carrier of its responsibility as carrier of last resort to occupants of real property if the owner or developer of the real property does any of the following:

- Permits an alternative service provider, during construction of the property, to install its local telecommunications services based on a condition of exclusion of the local exchange carrier; or
- Accepts incentives from an alternative service provider contingent on one or more alternative service providers providing local telecommunications service to the exclusion of the local exchange carrier; or
- Collects from occupants or residents of the real property mandatory charges for local telecommunications service provided by an alternative service provider, including collection through rent, fees, or dues.

When the new development is located in an area that requires entirely new construction of local loops and other network equipment in order to serve the new development, a carrier of last resort would not automatically be relieved of its obligations. In that instance, relief will be allowed only if the alternative service provider possesses, or will possess when service begins, the capability to provide local telecommunications service, or the functional equivalent of that service.

A local exchange carrier that is relieved of its responsibility to provide local telecommunication services as a result of this provision is required to notify the KCC within 120 days. In addition, a local exchange carrier is allowed to petition the KCC to be relieved of its responsibility as carrier of last resort for good cause.

If a local exchange carrier is relieved of its carrier of last resort obligations for the reasons described above, the owner or developer of the property will be required to provide all occupants and any subsequent owner of the property with the following information:

- The incumbent local exchange carrier does not have facilities installed to serve the property and has been relieved of its carrier of last resort obligations; and
- The name of the person that will be providing local telecommunications service to the property and the type of technology that will be used.

If the conditions described above cease to exist, and if the developer of the real property makes a written request for service, a local exchange carrier's obligation to serve as carrier of last resort will again apply. The carrier is required to notify the KCC that it is resuming that obligation. The local exchange carrier is allowed to require the developer to pay a reasonable fee, in advance, to allow the carrier to recover the costs that exceed the costs that would have been incurred to

provide service initially. The KCC is authorized to verify that the fee enables recovery of excess costs.

If an owner or developer of real property has an exclusive relationship with an alternative provider of telecommunication services, written notice must be provided to any purchaser of the property. The written notice must state that the local exchange carrier is excluded and that the alternative service provider is the exclusive provider of service to such property.

### ***Citizens' Utility Ratepayer Board—Contract Negotiation***

The Citizens' Utility Ratepayer Board (CURB) is authorized by the bill to negotiate contracts for professional services, including the services of engineers, accountants, attorneys, and economists, to assist in preparation and presentation of expert testimony or otherwise carrying out the duties of CURB. The bill requires that negotiations be conducted by a committee and specifies the membership and duties of the negotiating committee.

### ***Kansas Underground Utility Damage—Prevention Act (KUUDPA) Amendments***

The bill amends the Kansas Underground Utility Damage Prevention Act (KUUDPA) to include operators of potable water and sanitary sewage systems as a part of the Kansas One-Call System. The provisions of the bill relating to the incorporation of water and sewer systems into One-Call become effective on July 1, 2009.

In order to include operators of potable water and sanitary sewage in the provisions of the Act, the statute defining terms is amended to provide definitions for three new terms: "tier 1 facility," "tier 2 facility," and "tier 3 facility." A "tier 1 facility" is an underground facility used for transporting, gathering, storing, conveying, transmitting, or distributing gas, electricity, communications, crude oil, refined or reprocessed petroleum, petroleum products, or hazardous liquids. (A "tier 1" facility generally was a "facility" under prior law.) A "tier 2 facility" is an underground facility used for transporting, gathering, storing, conveying, transmitting or distributing potable water or sanitary sewage.

A "tier 3 facility" is a water or wastewater system utility that serves more than 20,000 customers and that elects to be a tier 3 member of the notification center. A tier 3 facility is required to develop and operate a website capable of receiving locate requests, publish and maintain a dedicated telephone number for locate services, maintain 24-hour response capability for emergency locates, and employ at least two people whose primary job function is location of underground utilities. The tier 3 facility is required to make the website or contact information available to the One-Call notification center. The notification center is required to collect a fee of \$500 per year for each tier 3 facility. No other fee may be collected from a tier 3 facility.

In addition, the definition of "tolerance zone" in the act is amended to mean the area 24 inches or more from the outside dimension of an underground facility. An operator of a water or wastewater facility will be able to elect to use a tolerance zone for that facility that is 60 or more

inches from the outside dimension of the facility. A larger tolerance zone may be established by rules and regulations of the KCC.

Operators of tier 2 facilities are able to participate in the One-Call system as if they are tier 1 facilities. Alternatively, for operators of tier 2 facilities desiring direct contact with excavators, the notification center will provide the excavator with appropriate contact information. Operators of tier 2 facilities also may choose not to be notified of impending excavation. Under the bill, excavators may, but are not be required to, notify operators of tier 2 facilities of their intent to excavate.

The bill requires operators of tier 2 facilities to maintain suitable records to document the receipt of notices from excavators. The notification center is required to maintain a record of all contacts as required under prior law.

An operator of a tier 2 facility is required to mark the approximate location of an underground facility to the best of its ability, and notify the excavator that the marks may not be accurate if the tolerance zone cannot be determined. If the operator cannot accurately mark the location of its tier 2 facilities, the operator must provide additional guidance to the excavator during excavation. An operator of a tier 2 facility is not required to mark the tolerance zone for facilities located at least two feet deeper than the excavator plans to excavate but is required to notify the excavator of the existence of the facility.

Under the bill, the excavator cannot be held liable for any direct or indirect damages, if the excavator notifies the operator of the excavator's intent to excavate and the operator fails to mark the facility in accordance with the law or notifies the excavator that no underground facilities are in the area of excavation. As under prior law, excavators are liable for cases of gross negligence or willful and wanton conduct.

The Act requires all underground potable water and sanitary sewage facilities installed by an operator after July 1, 2008, to be "locatable."

### ***One-Call Notification Center***

The bill amends the statute regarding the single notification center to require the center to charge an annual membership fee of \$25 from each tier 2 facility. The referral fee charged to tier 2 facility members may not exceed 50 percent of the fee charged to tier 1 facility members. If requested by the operator, the person filing a notice of intent to excavate may mark the proposed excavation site prior to a locate being performed.

The notification center is subject to the Open Records Act and the Open Meetings Act. However, information provided by operators of tier 1, 2 or 3 facilities may not be made available or distributed by the notification center Board of Directors unless the distribution is required in order for the KCC or the notification center to carry out its duties.

The Board of Directors of the notification center is required to include two members from tier 2 facilities and one member from tier 3 facilities. The notification center also is required to prepare

an annual report describing the activities of the center. An annual audit of the center conducted by an independent certified public accountant also is required. The notification center is required to provide copies of the annual report and the annual audit to each member of the center. The center is required to conduct a cost of service audit not more than every five years, or as otherwise requested by the board of directors or a majority of the center's members.

The notification center is required to solicit proposals for operation of the notification center at least every five years which shall be awarded in an open meeting by the Board. The bidding process is subject to the Open Records Act.

### **Studies Regarding Nuclear Industrial Development**

**HB2681** repeals KSA 48-1604, a requirement for designated agencies to study the need for changes in state law or rules and regulations of the Department of Health and Environment arising from the presence in Kansas of nuclear materials and facilities. The statute also authorized the Governor to direct any agency to conduct such a study.

### **Crude Oil Storage and Advisory Committee on Regulation of Oil and Gas Activities**

**HB2892** requires the Secretary of Health and Environment to adopt rules and regulations governing underground crude oil storage not later than January 1, 2009. The Secretary also will be required to appoint an advisory committee to assist with the promulgation of such rules and regulations. The committee will consist of five members knowledgeable in areas related to crude oil storage.

In addition, the bill expands the membership of the Advisory Committee on Regulation of Oil and Gas Activities from ten members to twelve. One of the new members is to be appointed jointly by the Kansas Farm Bureau and the Kansas Livestock Association and be an owner of a surface interest. The other new member is to be appointed jointly by the Southwest Kansas Royalty Owners Association and the Eastern Kansas Royalty Owners Association and be an owner of a mineral interest.

### **Cooperative Associations**

**SB448** creates new law to apply the Kansas General Corporation Code to cooperative associations such as cooperative societies, electric cooperatives and renewable energy electric cooperatives.

### **Tax Provisions—Various**

**Senate Sub. for HB2434** makes a number of changes in property tax, income tax, and sales tax law.

## ***PROPERTY TAX PROVISIONS***

### ***Property Tax Exemptions—Beds, Bodies, and Boxes***

The bill clarifies that the property tax exemption for farm machinery and equipment includes certain beds, bodies, and boxes attached to motor vehicles actually and regularly used for farming or ranching operations. The bill also clarifies that beds, bodies, and boxes attached to motor vehicles (except those attached by manufacturers) are to be classified for property taxation purposes as commercial and industrial machinery and equipment.

### ***Prohibition Against Certain Property Reclassification***

The bill further prevents counties from changing classification of certain property from commercial and industrial machinery and equipment to commercial real property for purposes of receiving certain increased state aid payments.

### ***Assessed Valuation Penalties—Late Filing by Utilities***

Additional provisions in the bill enact assessed valuation penalties for the late filing of certain property tax returns public utilities are required to file with the Director of Property Valuation, and for any property of public utilities which has escaped taxation.

Generally, the late-filing penalty up to the first five months is equivalent to an additional five percent per month of assessed valuation or an additional \$100,000 of assessed valuation, whichever is less. Utilities may be granted one extension of time up to 30 days for good cause shown.

The penalty for failing to file within one year of the current statutory deadline (March 20) is an additional 50 percent of assessed valuation or \$1 million of assessed valuation, whichever is less.

The penalty for escaped property (which has been discovered after valuations have been certified to county clerks) also is set at the lesser of 50 percent of assessed valuation or \$1.0 million for each tax year. The Director is granted authority to abate or reduce escaped property penalties for just cause shown.

### ***Mill Levy Computation and Exemption Requests***

Additional language in the bill requires county appraisers to notify county clerks when property tax exemption applications have been filed to help assure that the clerks do not utilize the valuation of the property in question when computing mill levies. A similar provision requires the Director to notify county clerks relative to exemption requests of public utilities.

### ***Property Tax Exemption for All Other Tangible Personal Property***

Another section of the bill provides a property tax exemption, effective in tax year 2009, for certain property classified as “all other tangible personal property” which has a purchase price of \$750 or less.

An additional provision clarifies that taxpayers are not required to file for this exemption at the State Board of Tax Appeals (SBOTA).

### ***Property Tax Exemption—Certain Single-Parent Family Housing***

The bill also adds a section to exempt certain real and personal property that is used for housing low-income single-parent families. The property must be used by a religious or charitable organization exclusively for the temporary housing (24 months or less) of limited or low-income single-parent families in need of financial assistance. The single parent must be enrolled in a life-training skills program. The provisions of this portion of the bill are retroactive to tax year 2007.

### ***Homestead Provisions***

Another provision excludes from the definition of “income” for homestead property tax refunds those Social Security payments received by individuals who have been receiving Social Security disability payments prior to attaining the age of retirement. This language effectively implements a grandfather clause to assure that disabled individuals will not see their Homestead refunds reduced by virtue of having reached retirement age.

### ***Higher Education Exemption Clarification***

Additional language clarifies the existing property tax law to provide that certain real and personal property leased and used for research and development at a postsecondary educational institution will retain exempt status.

These provisions provide an exemption for real and personal property that is owned by postsecondary educational institutions or by the Board of Regents on behalf of the postsecondary educational institutions. The exemption also applies when a postsecondary educational institution’s property is leased by a for-profit company and is actually and regularly used exclusively for research and development purposes, provided any rental income received by the postsecondary educational institution would be used exclusively for educational or scientific purposes. A five-year limit also is placed on the duration of the lease or occupancy of the postsecondary educational institution’s property for purposes of qualifying for the exemption.

An additional exemption is extended to buildings and personal property located on property of the University of Kansas or a related endowment association and owned or operated by a Kansas not-for-profit entity for the purpose of strategic technology acquisition and commercialization incubation.

## ***INCOME TAX PROVISIONS***

### ***Corporation Income Tax Rate and Apportionment Provisions***

New language provides for greater apportionment of business income, effective in tax year 2008, by authorizing the state to use the functional test (in addition to the current transactional test) as a method for identifying such income. Prior Kansas law had been interpreted as providing only the transactional test.

A second new corporation income tax provision clarifies the definition of gross receipts to prevent companies from utilizing “income churning” – a practice that inflates the denominator of the sales factor of the apportionment formula by including certain extraordinary items.

Finally, the top corporation income tax rate, which is effective for taxable incomes above \$50,000, is reduced from 7.35 percent to 7.10 percent, effective for tax year 2008; to 7.05 percent for tax years 2009 and 2010; and to 7.00 percent for tax year 2011 and thereafter.

### ***E-Filing Provisions***

One e-filing provision reduces from \$100,000 to \$45,000 the minimum annual level of sales and withholding tax remittances beyond which electronic filing may be mandated.

A second stipulation requires paid individual income tax preparers submitting 50 or more returns per year to file at least 90 percent of such returns electronically. This requirement may be waived for paid preparers who successfully demonstrate a hardship to the Secretary of Revenue.

### ***Individual Income Tax—Reciprocity***

One provision of the bill disallows a Kansas individual income tax deduction relative to certain property tax and assessments paid in other states by residents of those states when such states have similarly prevented Kansas residents from claiming property taxes and assessments paid in Kansas as income tax deductions. The disallowance, which is structured as an “addition modification” to federal adjusted gross income prior to the determination of Kansas adjusted gross income, is retroactive to tax year 2007.

### ***Income Tax Credits—Disaster Relief***

The bill also provides income, premiums or privilege tax credits for certain qualified capital investments made in businesses located in and around nine cities (Chanute, Coffeyville, Erie, Fredonia, Greensburg, Independence, Iola, Neodesha, and Osawatomie) damaged during two specific federal disaster declarations in 2007.

Qualified capital investments, which are defined to include investments in “construction, equipment, reconstruction, repair, enlargement, furnishing or remodeling of real property” as well as the “purchase, lease or repair of tangible personal property,” will exclude investments in “inventory or property held for sale in the ordinary course of business.” The credits, which are limited to a maximum of \$100,000 for each taxpayer, are available relative to investments in businesses located within the city limits of the nine cities, as well as businesses located up to one mile outside of such limits.

Taxpayers generally will be able for tax years 2008-2010 to claim non-refundable credits equivalent to 10 percent of the qualified capital investments; or refundable credits equivalent to 5 percent of such investments. All credits will be reduced by amounts equal to assistance payments taxpayers previously had received pursuant to the provisions of KSA 75-3713e or the Southeast Kansas Business Restoration Assistance Program approved by the State Finance Council.

The maximum amount of credits is capped at \$5.0 million for any given year.

### ***SAFE Senior Tax Credit Provisions***

The bill also enacts the Selective Assistance for Effective Senior Relief (“SAFE Senior”) Act, which provides a refundable income tax credit beginning in tax year 2008 that will be available to certain senior citizens to help reimburse a portion of property taxes paid on their homesteads.

Those taxpayers age 65 or older with household income of 120 percent or less of the federal poverty level for two persons (currently \$16,800) are eligible to claim the tax credit, which is equivalent to 45 percent of property taxes actually and timely paid on real or personal property used for residential purposes which was also their principal place of residence. Beginning in tax year 2011, the credit increases to 75 percent of such amount.

The SAFE Senior credit is supplemental to the Homestead Property Tax Refund Act, and taxpayers may not claim the credit for a given tax year if they have also claimed a Homestead refund. “Household income” is defined to mean all income, including payments received under the federal Social Security Act, received by all persons of a household in a calendar year while members of such household.

## ***SALES TAX PROVISIONS***

Additional language extends a sales tax exemption by one year relative to certain purchases incurred in the restoration or reconstruction of business facilities located in Kiowa County that were damaged by severe weather in 2007. The project exemption certificates must have been obtained prior to June 30, 2009 (as opposed to June 30, 2008 under prior law).

New sales tax exemptions are provided for entry or participation fees, charges or tickets by Guadalupe Health Foundation for such group's annual fund-raising event for the purpose of providing health care services for uninsured workers; and for purchases by or on behalf of Wayside Waifs, Inc., relative to an annual fund-raising event to support the care of homeless and abandoned animals, animal adoption efforts, education programs for children, efforts to reduce animal over-population, and animal welfare services, as well as all sales by or on behalf of such group (including entry or participation fees or charges).

The bill also provides a sales tax exemption relative to certain purchases incurred in the construction, reconstruction, enlarging, or remodeling of business facilities located in counties declared to be disaster areas pursuant to Presidential Disaster Declaration DR 1711, provided such facilities were damaged or destroyed by flooding or other severe weather. Project exemption certificates must be obtained within 60 days of the effective date of the legislation (publication in the *Kansas Register*).

## **BILLS VETOED BY THE GOVERNOR**

### **House Sub. for SB148**

This bill would have established maximum nitrogen oxides and sulfur dioxide emissions levels for the proposed Sunflower power plant expansion; required investor-owned and cooperative electric utilities to develop and submit to the Kansas Corporation Commission (KCC), a retail tariff for electricity generated from wind, under certain circumstances; required investor-owned and cooperative electric utilities to develop an energy efficiency and load management program; required investor-owned and cooperative electric utilities to develop and implement a program to assist businesses and institutions with inventorying and assessing greenhouse gas emissions and developing means of reducing those emissions; required Sunflower to request that the Southwest Power Pool (SPP) determine whether transmission line upgrades are necessary to deliver electricity that would be purchased from Sunflower; established energy efficiency standards for state buildings and equipment; enacted the Net Metering and Easy Connection Act; provided tax incentives for energy efficiency improvements in residential rental property; established the Kansas Electric Generation Science and Technology Commission; created a renewable resources requirement for electric utilities; required certain electric generation facilities to utilize carbon dioxide capture or reduction technologies; amended existing law regarding regulation of air quality and certain utilities; enacted a provision requiring reduction of mercury emissions from certain electricity generating units; and required the KCC and the Kansas Department of Health and Environment annually to identify operators of electric utilities with coal-fired generating capacity greater than 350 MW in Kansas with carbon dioxide emissions in excess of 110 percent

of the statewide average emissions from coal-fired plants in Kansas with a capacity greater than 350 MW.

**House Sub. for SB327**

This bill would have established energy efficiency standards for state building and equipment; enacted the Net Metering and Easy Connection Act; and provided tax incentives for energy efficiency improvements in residential rental property. It also would have established the Kansas Electric Generation Science and Technology Commission; created a renewable resources requirement for electric utilities; required certain electric generation facilities to use carbon dioxide capture or reduction technologies; amended existing law regarding regulation of air quality and certain utilities; and enacted a provision requiring reduction of mercury emissions from certain electricity generating units.

**Sen. Sub. for HB2802**

The bill would have become effective only if the veto of House Sub. for SB 148 had been overridden. If it had become effective, the bill would have placed a number of requirements on the Sunflower Electric Power Corporation. The bill also would have required the Kansas Department of Health and Environment (KDHE) to propose to the 2009 Legislature carbon dioxide emission requirements, would have restored authority of the Secretary of KDHE that would have been restricted under House Sub. for SB 148, and would have amended other regulatory statutes.