

# Journal of the House

ELEVENTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 23, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair. The roll was called with 122 members present. Reps. Kiegerl and Yoder were excused on verified illness. Rep. Hodge was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,

Today as we focus on the state of our nation, I ask that you will give wisdom and direction to our President. As we listen to his address, may we not focus on looking for the negative, but rather on the positive things upon which we can agree and work together. And, today, Lord, I pray for our armed forces personnel, especially those serving in the Middle East. Place a hedge of protection around them as they serve to defend freedom. And be with their families back here. In Your Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Whitham.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2159**, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6448 and repealing the existing section, by Representatives Craft, Carlin, Hawk, Bowers, Carlson, Crow, Dahl, Dillmore, Faust-Goudeau, Flaharty, Garcia, Goico, Henderson, Henry, Horst, Lane, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Merrick, Jim Morrison, Moxley, Myers, Neighbor, Phelps, Pottorff, Roth, Ruff, Sawyer, Schwartz, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Vickrey, Wetta, Wilk, Williams and Winn.

**HB 2160**, An act regulation traffic; concerning auxiliary driving lamps; amending K.S.A. 8-1728 and repealing the existing section, by Committee on Transportation.

**HB 2161**, An act concerning counties; relating to enforcement of county codes and resolutions; amending K.S.A. 2006 Supp. 19-101d and repealing the existing section, by Committee on Judiciary.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2147**.

Appropriations: **HB 2148**, **HB 2149**, **HB 2150**, **HB 2151**.

Calendar and Printing: **HB 2158**.

Economic Development and Tourism: **HB 2146**.

Elections and Governmental Organization: **HB 2153**.

Energy and Utilities: **HB 2157**.

Judiciary: **HB 2156**.

Taxation: **HB 2154**, **HB 2155**.

Veterans, Military and Homeland Security: **HB 2152**.

**CHANGE OF REFERENCE**

Speaker pro tem Dahl announced the withdrawal of **HB 2129** from Committee on Calendar and Printing and referral to Committee on Elections and Governmental Organization.

**COMMUNICATIONS FROM STATE OFFICERS**

From Andrew Allison, Ph.D, Deputy Director, Kansas Health Policy Authority, in accordance with K.S.A. 75-6509, Kansas State Employees Health Care Commission Annual Report, 2006 Plan Year.

From Fred A. Cholick, Dean and Directory, K-State Research and Extension, Kansas State University, An Informal Report to the Kansas Legislature, January 2007.

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

**CONSENT CALENDAR**

No objection was made to **HB 2041** appearing on the Consent Calendar for the second day.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Hayzlett in the chair.

**COMMITTEE OF THE WHOLE**

On motion of Rep. Hayzlett, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2019** be passed.

Committee report to **HB 2002** be adopted; and the bill be passed as amended.

Committee report to **SB 30** be adopted; also, on motion of Rep. Kinzer to amend, Rep. Tafanelli requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Brown to amend **SB 30**, Rep. Tafanelli requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on motion of Rep. Henry, **SB 30** be amended on page 8, preceding line 32, by inserting the following material to read as follows:

“Sec. 4.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State debt reduction fund  
For the fiscal year ending June 30, 2008 ..... \$0

*Provided*, That all expenditures from the state debt reduction fund during fiscal year 2008 shall be for the purposes of providing funding for retirement or defeasement of pension bonds issued for the Kansas public employees retirement system which bonds become defeasible or callable during fiscal year 2008 or to otherwise offset outstanding state debt to be retired from payments from the state general fund therefor and for which debt service is currently paid from the KPERS bond debt service account of the department of administration: *Provided further*, That all such expenditures shall be made by the secretary of administration in consultation with the board of trustees of the Kansas public employees retirement system and the Kansas development finance authority and shall be in addition to any expenditure limitation imposed on the state debt reduction fund for fiscal year 2008: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, no moneys shall be transferred or expended from the state debt reduction fund during fiscal year 2008: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, not-

withstanding the provisions of K.S.A. 75-3711c and amendments thereto, any other appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the state debt reduction fund for fiscal year 2008 or to otherwise authorize or provide for any expenditures from the state debt reduction fund for fiscal year 2008.

For the fiscal year ending June 30, 2009 ..... \$0

*Provided*, That all expenditures from the state debt reduction fund during fiscal year 2009 shall be for the purposes of providing funding for retirement or defeasement of pension bonds issued for the Kansas public employees retirement system which bonds become defeasible or callable during fiscal year 2009 or to otherwise offset outstanding state debt to be retired from payments from the state general fund therefor and for which debt service is currently paid from the KPERS bond debt service account of the department of administration: *Provided further*, That all such expenditures shall be made by the secretary of administration in consultation with the board of trustees of the Kansas public employees retirement system and the Kansas development finance authority and shall be in addition to any expenditure limitation imposed on the state debt reduction fund for fiscal year 2009: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, no moneys shall be transferred or expended from the state debt reduction fund during fiscal year 2009: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any other appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the state debt reduction fund for fiscal year 2009 or to otherwise authorize or provide for any expenditures from the state debt reduction fund for fiscal year 2009.

(b) On July 1, 2007, and on January 1, 2008, or as soon after each such date as moneys are available therefor, the director of accounts and reports shall transfer \$40,000,000 from the state general fund to the state debt reduction fund.”

And by renumbering sections accordingly;

Also, on motion of Rep. Storm to amend **SB 30**, the motion did not prevail.

Also, on motion of Rep. Lane to amend **SB 30**, Rep. Tafanelli requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane.

Also, on further motion of Rep. Lane to amend **SB 30**, the motion was withdrawn.

Also, on motion of Rep. Mah to amend **SB 30**, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Lane to amend **SB 30** on page 8, preceding line 32, by inserting the following material to read as follows:

“Sec. 4.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the interest generated from the keeping education promises trust fund for the fiscal year trust fund for the fiscal year or years specified, the following:

Business health partnership

For the fiscal year ending June 30, 2008 .....\$2,500,000

*Provided*, That any unencumbered balance in the business health fund account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the business health fund account for fiscal year 2009.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 49; Nays 70; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Hawk, Henderson, Henry, Holland, Huebert, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Nays: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Carlson, Colloton, Collyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Roth, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Grant, Hodge, Kiegerl, Powers, Wilk, Yoder.

The motion of Rep. Lane did not prevail.

Also, on motion of Rep. Flaharty to amend **SB 30**, the motion did not prevail, and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Economic Development and Tourism** recommends **HB 2005** 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 **Energy and Utilities** recommends **HB 2039** be passed.

Committee on **Energy and Utilities** recommends **HB 2036** be amended on page 1, in line 26, following "structure" by inserting "which is a single family or multifamily unit of three floors or less"; in line 27, by striking "upon request or" and inserting "prior to the signing of the contract to purchase and"; by striking all in lines 31 through 43;

On page 2, by striking all in lines 1 through 28; preceding line 29, by inserting the new material to read as follows:

**KANSAS ENERGY EFFICIENCY DISCLOSURE**

*As required by KSA 66-1228*

*Kansas law requires the person building or selling a previously unoccupied new residential structure to disclose to the buyer or prospective buyer, prior to signing the contract for purchase and prior to closing, information regarding the thermal efficiency of the structure (single or multifamily units, three floors or less).*

Common Address or Legal Description of Residence:

---



---



---

**Part 1: Builder *must* describe the following energy efficiency elements of this house:**

	<u>Actual Value</u>	<u>Energy Star*</u>
<b>Wall Insulation R-Value</b>	_____	18
<b>Attic Insulation R-Value</b>	_____	42
<b>Foundation Insulation R-Value</b>	_____	10
Basement Walls	_____	15
Crawlspace Walls	_____	8
Slab-on-Grade	_____	30
<b>Floors over Unheated Spaces R-Value</b>	_____	.34
<b>Window U-Value</b>	_____	.34
<b>Water Heater</b>		
Gas or Propane (Energy Factor)	_____	.60
Electric (Energy Factor)	_____	.92
<b>Heating and Cooling Equipment</b>		
Warm-Air Furnace (AFUE)	_____	.93
Air Conditioner or Heat Pump - Cooling (SEER)	_____	14
Air-Source Heat Pump (HSPF)	_____	8.5
Ground-Loop Heat Pump —Heating (COP)	_____	3.9
Ground-Water Heat Pump —Cooling (EER)	_____	22
Ground-Water Heat Pump —Heating (COP)	_____	4.4

**Part 2: Builder *may* provide the following additional information about this house:**

\_\_\_\_\_ This residence has been/will be built to meet the energy-efficiency standards of the International Energy Conservation Code of 2006 (IECC 2006).

\_\_\_\_\_ This residence has received a Home Energy Rating (HERS) index score of 100 or less based on an energy audit performed in accordance with the Mortgage Industry National Home Energy Rating Systems Standards (July 1, 2006) by a rater certified by Residential Energy Services Network (RESNET).

Seller Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Seller Name/Address: \_\_\_\_\_

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Buyer Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\* See reverse for more information on existing standards and explanation of abbreviations.

**R-value = Thermal Resistance Rating** of insulation materials. The higher the R-value, the better the material resists heat flow (i.e., the better it insulates).

**U-value = Heat Loss Rating** of windows. The lower the U-value, the less the window loses heat (i.e., the better it prevents heat loss).

**Equipment Performance Ratings** (the higher the number, the more efficient the equipment)

**AFUE = Annual Fuel Utilization Efficiency:** used to rate gas or propane warm-air furnaces and small boilers.

**SEER = Seasonal Energy Efficiency Ratio:** performance indicator for residential air conditioners and air source heat pumps.

**HSPF = Heating Seasonal Performance Factor:** measures heating performance of air- source heat pumps.

**EER = Energy Efficiency Ratio:** used to rate window air conditioners and ground-loop or ground-water heat pumps in the cooling mode.

**COP = Coefficient of Performance:** used to rate ground-loop or ground-water heat pumps in the heating mode.

**Energy Star** qualified homes are at least 15% more energy efficient than homes built to the 2006 International Energy Conservation Code (IECC). Energy Star is a joint program of the U.S. Environmental Protection Agency and Department of Energy.

**The International Energy Conservation Code (IECC)**, developed by the International Code Council, sets standards for energy efficiency in homes and commercial and industrial buildings. It is revised on a three-year cycle, with a supplement issue midway through each cycle.

**The HERS Index** is a scoring system established by the Residential Energy Services Network (RESNET) in which a home built to the specifications of the HERS Reference Home (based on the 2006 International Energy Conservation Code) scores a HERS Index of 100, while a net zero energy home scores a HERS Index of 0. The lower the score, the more energy efficient a home is in comparison to the HERS Reference Home. Each 1-point decrease in the HERS Index corresponds to a 1% reduction in energy consumption compared to the HERS Reference Home. Thus a home with a HERS Index of 85 is 15% more energy efficient than the HERS Reference Home and a home with a HERS Index of 80 is 20% more energy efficient.

**RESNET Standards** ensure that accurate and consistent home energy ratings are performed by accredited home energy rating systems nationwide; increase the credibility of the rating systems with the mortgage finance industry; and promote voluntary participation in an objective, cost-effective, sustainable home energy rating process. This accreditation process will be used by the mortgage industry to accept home energy ratings and by the states to assure accurate, independent information upon which a state may recognize the home energy ratings as a compliance method for state building energy codes; as qualification for energy programs designed to reach specific

energy saving goals; and as a way to provide its housing market the ability to differentiate residences based on their energy efficiency. The Mortgage Industry National Home Energy Rating Systems Standards (July 1, 2006) can be found at [http://www.natresnet.org/standards/mortgage/RESNET\\_Standards-2006.pdf](http://www.natresnet.org/standards/mortgage/RESNET_Standards-2006.pdf).

In the title, in line 10, preceding “amending” by inserting “relating to certain required disclosures;”; and the bill be passed as amended.

Committee on **Veterans, Military, and Homeland Security** recommends **HB 2062** be amended on page 1, in line 35, by striking “hoax” and inserting “simulated”; in line 37, by striking “hoax” and inserting “simulated”;

On page 2, in line 15, by striking “statute book” and inserting “Kansas register”; 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 2162**, An act concerning the use of cigarettes and tobacco products in school buildings and on school property; creating the crime of using cigarettes or tobacco products in school buildings and on school property; duties of school board; amending K.S.A. 12-4113, 12-4214, 12-4305 and 72-53,107 and K.S.A. 2006 Supp. 21-3105 and 21-4503a and repealing the existing sections, by Committee on Health and Human Services.

**HB 2163**, An act concerning employment; relating to the employment of illegal aliens; amending K.S.A. 21-4409 and K.S.A. 2006 Supp. 21-4503a and repealing the existing sections, by Representatives Dillmore, Burroughs, Crow, Faust-Goudeau, Flaharty, Grant, Henry, Holland, Kuether, Lane, Loganbill, Mah, McLachlan, Neighbor, Phelps, Rardin, Ruff, Swenson, Tietze, Treaster, Ward, Wetta and Williams.

**HB 2164**, An act relating to motor carriers; concerning certain self-propelled cranes; amending K.S.A. 66-1,108 and repealing the existing section, by Committee on Transportation.

**HB 2165**, An act concerning the minimum wage and maximum hours law; increasing the minimum wage and providing the secretary of labor with authority to make future increases; amending K.S.A. 44-1203 and repealing the existing section, by Committee on Economic Development and Tourism.

**HB 2166**, An act concerning crimes and punishment; relating to theft; amending K.S.A. 2006 Supp. 21-3701 and repealing the existing section, by Committee on Judiciary.

**HB 2167**, An act concerning children in need of care; relating to reports of abuse or neglect; amending K.S.A. 2006 Supp. 38-2223 and repealing the existing section, by Committee on Judiciary.

**HB 2168**, An act concerning certain communities within superfund sites; providing for relocation and other assistance, by Committee on Energy and Utilities.

**HB 2169**, An act concerning the Kansas development finance authority; relating to energy conservation improvements and energy conservation measures; amending K.S.A. 75-37,114 and K.S.A. 2006 Supp. 74-8902 and 75-37,125 and repealing the existing sections, by Committee on Energy and Utilities.

**HB 2170**, An act concerning taxation; amending K.S.A. 40-253a, 65-1,194 and 74-8945 and K.S.A. 2006 Supp. 79-32,110, 79-32,111, 79-32,117, 79-32,243, 79-3606 and 79-5401 and repealing the existing sections; also repealing K.S.A. 39-7,132, 74-50,113, 74-50,116, 74-50,117, 74-50,118, 74-50,119, 74-50,135, 74-50,135a, 75-4275, 79-32,155, 79-32,156, 79-32,157, 79-32,158, 79-32,159, 79-32,159a, 79-32,159b, 79-32,159c, 79-32,160, 79-32,160b, 79-32,160c, 79-32,200 and 79-32,203 and K.S.A. 2006 Supp. 74-50,114, 74-50,115, 74-50,131, 74-50,132, 74-50,133, 74-50,134, 79-1126a, 79-3269, 79-32,117l, 79-32,153, 79-32,154, 79-32,160a, 79-32,181a, 79-32,204 and 79-32,207, by Committee on Taxation.

**HB 2171**, An act concerning sales taxation; relating to refund claims; requirements and procedures; penalties; amending K.S.A. 2006 Supp. 79-3609, 79-3615, 79-3650 and 79-3702 and repealing the existing sections, by Committee on Taxation.

**HB 2172**, An act concerning health insurance; establishing a pilot program to allow certain small businesses to provide health insurance through the state employees health benefits program, by Committee on Insurance and Financial Institutions.

**HB 2173**, An act concerning elections; dealing with voter registration and voter identification; amending K.S.A. 25-2354 and 25-3304 and K.S.A. 2006 Supp. 25-1122, 25-1122d, 25-1123 and 25-2908 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2174**, An act concerning the board of cosmetology; relating to standards of practice; amending K.S.A. 74-2702a and repealing the existing section, by Committee on Health and Human Services.

**HB 2175**, An act concerning school districts; providing for a central accounting system; amending K.S.A. 2006 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, January 24, 2007.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

