

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 6, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.  
The roll was called with 123 members present.

Rep. Powers was excused on verified illness.

Rep. Ruff was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Randy Harrell, pastor, Church of the Nazarene, Cimarron, and guest of Rep. Neufeld:

Our Most Gracious Heavenly Father,

We thank You for Your incredible love for each of us. I thank You for every man and woman that You have ordained for these places of leadership. I also pray for their families that Your blessings would be upon them as they are often separated from their loved ones who serve our state. I pray for each and every legislator who has called upon You for salvation and calls You Lord. I pray that Your presence would be upon them as they allow Your wisdom to guide them in seeking to serve You and govern our state. I also pray for everyone who does not call You Lord. Send people, circumstances and situations across their paths that would draw them to You and Your amazing grace for them. May Your presence also be upon them and Your guidance lead them to govern according to Your plans. I pray Father that You would help all of our legislators to overturn any laws that go against Your laws of grace and life. Father, please forgive me and please forgive all of us for our weakness in ministering to those who You have called all of us to serve — the less fortunate, the homeless, the unborn...may we all seek and strive to uphold Your law of love by Your Holy power so that we may make a difference in our world for Your kingdom. May we overcome that which is evil by Your all surpassing goodness and holiness. Dear Father we unite our hearts together to pray for all of our men and women who are serving our country in the armed forces. Place a hedge of protection around them as You help them to accomplish Your mission of peace so that they may be brought home quickly.

Now I invite you, not to recite, but to pray with me — the Lord's Prayer: Our Father, who art in heaven, hallowed be Thy name. Thy kingdom come, Thy will be done on earth as it is in heaven. Give us this day our daily bread and forgive us our trespasses as we forgive those who trespass against us. Lead us not into temptation but deliver us from evil. For Thine is the kingdom and the power and the glory, forever. Amen.

Now, may the Lord bless you and keep you. The Lord make His face shine upon you. And be gracious unto you and give you and all of us, His peace!

The Pledge of Allegiance was led by Rep. Colloton.

**INTRODUCTION OF GUESTS**

Rep. McKinney introduced the following who were visiting the Capitol today for Pastor's Day at the Capitol: Rev. Tony Felich, Rev. Nathan Currey, Rev. Gary Pauley and Rev. Matthew Stroblus. Also attending were Rev. David Graves, Rev. Dennis Dull and Rev. Joe Prigge.

**INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were introduced and read by title:

**HB 2397**, An act concerning school districts; relating to school districts which issue no-fund warrants, by Committee on Education.

**HB 2398**, An act concerning school districts; directing local boards of education to establish guidelines relating to the handling of blood and other infectious materials, by Committee on Education.

**HB 2399**, An act concerning school districts; relating to school finance; relating to the program weighting; amending K.S.A. 2006 Supp. 72-6413 and repealing the existing section, by Committee on Education.

**HB 2400**, An act relating to motor vehicles; concerning driver's licenses; relating to certain age requirements; providing certain limitations; providing penalties; amending K.S.A. 8-235d, 8-239, 8-297, 8-2,147 and 72-89c02 and K.S.A. 2006 Supp. 8-237 and 8-240 and repealing the existing sections, by Committee on Transportation.

**HB 2401**, An act enacting the healthy workplace act; relating to abusive work environments; prohibiting certain acts and providing certain remedies for violations, by Representative Swenson.

**HB 2402**, An act concerning school districts; relating to school finance; amending K.S.A. 2006 Supp. 72-6407 and repealing the existing section; also repealing K.S.A. 2006 Supp. 72-6412 and 72-6442b, by Education Budget Committee.

**CORRECTION OF REFERENCE**

Speaker pro tem Dahl announced **HB 2390** appearing on the Calendar under Reference of Bills and Concurrent Resolutions as being referred to Committee on Transportation, should be corrected to be referred to Committee on Veterans, Military and Homeland Security.

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2391**.

Appropriations: **HB 2383, HB 2385, HB 2387, HB 2388, HB 2395**.

Commerce and Labor: **HB 2394**.

Education: **HB 2389**.

Federal and State Affairs: **HB 2396**.

Health and Human Services: **HB 2392**.

Judiciary: **HB 2380, HB 2381, HB 2382, HB 2384, HB 2393**.

Agriculture and Natural Resources Budget: **HB 2386**.

**CHANGE OF REFERENCE**

Speaker pro tem Dahl announced the withdrawal of **HB 2158** from Committee on Calendar and Printing and referral to Committee on Agriculture and Natural Resources Budget.

**COMMUNICATIONS FROM STATE OFFICERS**

From Marcia Nielsen, Executive Director, Kansas Health Policy Authority (KHPA), 2007 Annual Legislative Report.

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

**CONSENT CALENDAR**

No objection was made to **HB 2220** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2181**, **HB 2182** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2161** 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**

**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, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Powers, Ruff.

The bill passed.

**SB 36**, An act concerning certain cities and counties; relating to the unification thereof; amending K.S.A. 2006 Supp. 12-362, 12-363 and 12-365 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Ruff.

The bill passed.

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

**COMMITTEE OF THE WHOLE**

On motion of Rep. Sharp, Committee of the Whole report, as follows, was adopted:  
Recommended that **HB 2112; SB 33** be passed.

**HB 2073** be passed over and retain a place on the calendar.

Committee report to **HB 2036** be adopted; also, on motion of Rep. Neighbor be amended on page 1, in line 29, by striking "three floors" and inserting "four units"; in line 31, following "closing" by inserting "if changes have occurred or are requested";

On page 3, by striking all in lines 1 through 34 and inserting the following:

**"KANSAS ENERGY EFFICIENCY DISCLOSURE**

*As required by K.S.A. 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, if changes have occurred or are requested, information regarding the thermal efficiency of the structure (single or multifamily units, four units or less).*

Common Address or Legal Description of Residence:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

	(R) Value	Energy Star <sup>o</sup>	2006 IRC/IECC
Wall Insulation _____ (Type)	_____	_____	_____
Attic Insulation _____ (Type)	_____	_____	_____
Foundation Insulation _____ (Type)	_____	_____	_____
Basement Walls	_____	_____	_____
Crawlspace Walls	_____	_____	_____
Slab-on-Grade	_____	_____	_____
Floors over Unheated Spaces _____ (Type)	_____	_____	_____
Window U-Value	_____	_____	_____
Water Heater	_____	_____	_____
Gas or Propane (Energy Factor)	_____	_____	_____
Electric (Energy Factor)	_____	_____	_____
Heating and Cooling Equipment	_____	_____	_____
Warm-Air Furnace (AFUE)	_____	_____	_____
Air Conditioner or Heat Pump - Cooling (SEER)	_____	_____	_____
Air-Source Heat Pump (HSPF)	_____	_____	_____
Ground-Loop Heat Pump — Heating (COP)	_____	_____	_____
Ground-Water Heat Pump — Cooling (EER)	_____	_____	_____
Ground-Water Heat Pump — Heating (COP)	_____	_____	_____

Efficiency of these heat pumps depends on groundwater temperatures, which depend on the location. These are moving numbers. Many cities have adopted the IRC code.

**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) [www.natresnet.org](http://www.natresnet.org).

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

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

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

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

<sup>o</sup> See reverse for more information on existing standards and explanation of abbreviations.;

On page 4, in line 15, preceding “qualified” by inserting “(based on climate zone as defined in the most current Energy Star Qualified Homes National Performance Path Requirements)”; in line 17, following the period, by inserting “Energy Star Performance Requirements: To qualify as Energy Star, a home must meet the minimum requirements specified, be verified and field-tested in accordance with the RESNET standards by a RESNET-accredited Provider, *and* meet all applicable codes.”; and **HB 2036** be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2067** be adopted; and the substitute bill be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2208** 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 **Insurance and Financial Institutions** recommends **HB 2115** 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 **Insurance and Financial Institutions** recommends **HB 2107** be amended on page 3, in line 3, after “a” by inserting “savings and loan association and savings bank organized under the laws of the United States or another state, a”; in line 4, after “such” by inserting “savings and loan association, savings bank,”; in line 8, after “state” by inserting “or federal”; and the bill be passed as amended.

Committee on **Insurance and Financial Institutions** recommends **HB 2116** be amended on page 1, in line 16, before “Kansas” by inserting “executive director of the”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2190, HB 2193, HB 2230** be passed.

Committee on **Judiciary** recommends **HB 2232, HB 2233** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Judiciary** recommends **HB 2074** be amended on page 2, in line 2, by striking “and”; in line 3, by striking “may” and inserting “shall”; in line 4, by striking the period and inserting: “; and

(5) photographs may be taken of any juvenile placed in a juvenile detention facility. Photographs taken under this paragraph shall be used solely by the juvenile detention facility for the purposes of identification, security and protection and shall not be disseminated to any other person or agency except after an escape and necessary to assist in apprehension.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2087** be amended on page 3, in line 40, by striking all after “commission”; in line 41, by striking all before “to”; and the bill be passed as amended.

Committee on **Taxation** recommends **HCR 5009** be 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 were thereupon introduced and read by title:

**HB 2403**, An act relating to certain life form engineering; concerning animal-human hybrid; creating certain crimes and providing penalties for such crimes; authorizing civil fines, by Representatives Knox, Beamer, Bowers, Brown, Brunk, Carlson, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Grange, M. Holmes, Huebert, Kelley, Kelsey, Kiegerl, Kinzer, Mast, Masterson, Merrick, Judy Morrison, Jim Morrison, Myers, O’Neal, Olson, Otto, Peck, Powell, Powers, Rhoades, Schroeder, Siegfried, Vickrey, Watkins, Williams and B. Wolf.

**HB 2404**, An act concerning sales taxation; relating to exemptions; nonprofit area agencies on aging; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2405**, An act concerning certain energy; relating to production of energy from renewable energy resources or technologies and use of waste energy; concerning certain income tax credits, income tax deductions and property tax exemptions; providing for issuance of bonds and other financing for certain purposes; amending K.S.A. 2006 Supp. 74-8949b, 79-229, 79-32,117, 79-32,120, 79-32,138, 79-32,218, 79-32,224, 79-32,229, 79-32,233, 79-32,234, 79-32,235, 79-32,237 and 79-32,239 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117l, by Committee on Energy and Utilities.

**HB 2406**, An act concerning certain qualifying wind energy electric generation facilities; providing for certain income tax credits and deductions; amending K.S.A. 2006 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117l, by Committee on Energy and Utilities.

**HB 2407**, An act concerning campaign finance; amending K.S.A. 25-4148 and 25-4150 and repealing the existing sections, by Committee on Elections and Governmental Organization.

**HB 2408**, An act concerning elections; relating to campaign finance; amending K.S.A. 25-4148 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2409**, An act concerning campaign finance; relating to filing of certain reports, by Committee on Elections and Governmental Organization.

**HB 2410**, An act concerning elections; relating to campaign finance and filing certain reports, by Committee on Elections and Governmental Organization.

**HB 2411**, An act concerning colleges and universities; relating to the state board of regents; repealing K.S.A. 74-3205a, 74-3205b, 74-3205c and 74-3205d, by Committee on Appropriations.

**HB 2412**, An act concerning children and minors; relating to minors' access to alcohol or cereal malt beverages; amending K.S.A. 8-260 and K.S.A. 2006 Supp. 8-255, 21-3610, 21-3610c and 41-727 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 41-727, as amended in section 114 of chapter 169 of the Session Laws of Kansas, by Representative Mast.

**HB 2413**, An act concerning insurance; providing for coverage for infertility; amending K.S.A. 2006 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Representative Trimmer (By Request).

**HB 2414**, An act concerning ephedrine; relating to placement behind counters and unlawful sale to minors; penalties, by Representative Trimmer.

**HB 2415**, An act concerning civil procedure; relating to separate maintenance; amending K.S.A. 2006 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.

**HB 2416**, An act enacting the prescription program model act; providing for powers, duties and functions of the state board of pharmacy By Committee on Health and Human Services.

**HB 2417**, An act concerning membership on the Kansas dental board; amending K.S.A. 74-1404 and repealing the existing section, by Committee on Health and Human Services.

**HB 2418**, An act concerning the definition of general hospital; amending K.S.A. 65-425 and repealing the existing section, by Committee on Health and Human Services.

**HB 2419**, An act enacting the carbon dioxide reduction act; providing for income tax reductions and property tax exemptions; providing for regulation of carbon dioxide injection wells; amending K.S.A. 2006 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117l, by Committee on Energy and Utilities.

#### REPORT ON ENROLLED RESOLUTIONS

**HCR 5010** reported correctly enrolled and properly signed on February 6, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 7, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

