

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 14, 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.

Rep. Grant was excused on verified illness.

Reps. Hawk and Henderson were excused on excused absence by the Speaker.

Present later: Rep. Hawk.

Prayer by Chaplain Brubaker:

Dear Lord,

When we have walked into these chambers the last couple of days, we have felt the warm air hovering. I pray that it is a mechanical problem and not what some would describe as politicians blowing hot air. As we debate both sides of the issues, help us not to become bullies - but to remember the proverb, "Through patience a ruler can be persuaded, and a gentle tongue can break a bone." (Proverbs 25:15) In your name I pray. Amen.

The Pledge of Allegiance was led by Rep. Ward.

INTRODUCTION OF GUESTS

Rep. Swanson introduced Dennis Charbonneau, coach of the Clay Center High School wrestling team, and Kyle Allen, a senior at the high school. The team won the 4A State Wrestling Championship and Allen was a state champion in his weight class. Coach Charbonneau was presented with a certificate from the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2577, An act concerning hazardous material assessment and response; relating to authority of the state fire marshal; determination of responsible party; recovery of hazardous material team response costs from responsible party; amending K.S.A. 2006 Supp. 31-133 and repealing the existing section, by Committee on Appropriations.

HB 2578, An act enacting the utilization of unused medications act; duties of the state department of health and environment and the state By Committee on Appropriations.

HB 2579, An act concerning income taxation; relating to apportionment of net income; business income; corporations, surtax; allocation of income and deductions; amending K.S.A. 79-3285 and 79-32,141 and K.S.A. 2006 Supp. 79-3271 and 79-32,110 and repealing the existing sections, by Committee on Taxation.

HB 2580, An act concerning fire districts; relating to detachment of land therefrom in Johnson county; amending K.S.A. 19-3623f and repealing the existing section, by Committee on Taxation.

HB 2581, An act concerning income taxation; relating to credits; earned income; amending K.S.A. 2006 Supp. 79-32,205 and repealing the existing section, by Committee on Taxation.

HB 2582, An act concerning sales taxation; relating to exemptions; hospices; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2575**.

Energy and Utilities: **HB 2576**.

MESSAGES FROM THE SENATE

The Senate rejected the Conference Committee report to agree to disagree on **SB 83**, and the bill remains in conference.

The President announced the appointment of Senator Barone as a member of the conference committee on **SB 83** to replace Senator Hensley.

Also, the Senate nonconcurrs in House amendments to **SB 52**, requests a conference and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 192**, requests a conference and has appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2036** and has appointed Senators Emler, Peterson and Lee as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 52**.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 192**.

Speaker pro tem Dahl thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 112**, **SB 114**, **SB 326** appearing on the Consent Calendar for the first day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2264, An act concerning income taxation; relating to social security benefits; earned income tax credit; homestead property tax refunds, social security benefits; amending K.S.A. 2006 Supp. 79-32,117 and 79-32,205 and 79-4502 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; 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, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Master-son, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Kuether.

Present but not voting: None.

Absent or not voting: Grant, Hawk, Henderson.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **HB 2264**. Yesterday the republicans decided it was more important to give more money to the richest 12% of senior citizens than it is to help our working families.

The Rardin amendment would have made sure 88% of our senior citizens paid no income taxes on their social security benefits. But the republicans insisted on giving $\frac{2}{3}$ of the tax cut to the richest 12%.

We have given away \$12 million more to the rich while still doing nothing for Health Care for our working Kansans.—ANNIE KUETHER

MR. SPEAKER: While I vote YES on **HB 2264**, I am concerned that we risk repeating the mistakes that led us into the 2002 budget crisis. In 2002, our seniors and children suffered the consequences of mid-year budget cuts.

The Rardin amendment would have eliminated the state income tax on social security for 88% of Kansas seniors. This was a more cautious approach targeting those seniors who most need tax relief, while protecting funding for health services for our most vulnerable seniors. As is, **HB 2264** gives $\frac{2}{3}$ of the tax relief to the wealthiest 12% of seniors.—JUDITH LOGANBILL, HAROLD LANE, ANN MAH, MARK TREASTER, STAN FROWNFEELER, LOUIS RUIZ, GENE RARDIN, DELIA GARCIA, MELODY MCCRAY-MILLER, OLETHA FAUST-GOUDEAU

SB 111, An act concerning insurance companies; pertaining to sharing of certain information; amending K.S.A. 40-222 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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

The bill passed.

SB 164, An act concerning economic development; relating to qualified industrial manufacturers; prescribing certain transfers; establishing the special qualified industrial manufacturer fund, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 7; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, 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, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, 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, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Brunk, Hodge, Huebert, Kelley, Kinzer, Landwehr, Peck.

Present but not voting: None.

Absent or not voting: Grant, Hawk, Henderson.

The bill passed.

SB 190, An act relating to the Kansas storage tank act; concerning training for operators of underground storage tanks; funding; amending K.S.A. 65-34,110 and 65-34,114 and K.S.A. 2006 Supp. 65-34,132 and 65-34,134 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Beamer, Donohoe, Hodge, Huebert, Kelley, Kinzer, Landwehr, Mast, Masterson, McLeland, Otto, Peck, Vickrey.

Present but not voting: None.

Absent or not voting: Grant, Hawk, Henderson.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: We have a current Underground Petroleum Storage Tank Release Trust fund. The Kansas Department of Health and Environment should already be doing this job. People who have these tanks should already know what is necessary to keep the public safe. We should not need 4 FTE's and \$538,643 to teach people what to do.

This is one more example of big government getting bigger. I can do nothing else but to vote NO on **SB 190**.— BILL OTTO

SB 240, An act concerning income taxation; relating to apportionment of net income; amending K.S.A. 2006 Supp. 79-3279 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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

The bill passed.

SB 249. An act concerning cities and counties; relating to natural resource development districts, 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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

The bill passed, as amended.

SB 356. An act ceding to the United States concurrent legislative jurisdiction over crimes and offenses under the laws of the state of Kansas over and within certain lands dedicated to national parks purposes; amending K.S.A. 27-120 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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess, the House concurred in Senate amendments to **HB 2021**, An act concerning townships; amending K.S.A. 80-302, 80-402 and 80-405 and repealing the existing sections.

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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

On motion of Rep. Faber, the House concurred in Senate amendments to **HB 2208**, An act concerning the county fair board of Cloud county; amending K.S.A. 19-2699 and repealing the existing section.

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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

On motion of Rep. C. Holmes, the House concurred in Senate amendments to **HB 2220**, An act concerning electric utilities; relating to recovery of certain transmission costs; amending K.S.A. 2006 Supp. 66-1237 and repealing the existing section.

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, Hayzlett, 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, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, 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: Grant, Hawk, Henderson.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Huntington, Committee of the Whole report, as follows, was adopted:
 Recommended that **HB 2535, HB 2491** be passed.
 Committee report to **HB 2530** be adopted; also, on motion of Rep. Peterson to amend, the motion did not prevail, and the bill be passed as amended.
 Committee report to **HB 2539** be adopted; and the bill be passed as amended.
 Committee report to **HB 2526** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2561** be amended on page 11, following line 14, by inserting the following:

“Sec. 6. K.S.A. 58-3050 is hereby amended to read as follows: 58-3050. (a) The commission may refuse to grant or renew a license and the license of any licensee may be revoked, suspended, conditioned or restricted or a licensee may be censured, if:

(1) The licensee has committed a violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder, whether the licensee acted as an agent or a principal in the real estate transaction;

(2) the licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of: (A) Forgery, embezzlement, obtaining money under false pretenses, larceny, extortion, conspiracy to defraud or any other similar offense; (B) a crime involving moral turpitude; or (C) any felony charge;

(3) the licensee has been finally adjudicated and found to be guilty of violation of the federal fair housing act (42 U.S.C. 3601 et seq.) or K.S.A. 44-1015 through 44-1029, and amendments thereto;

(4) the licensee has obtained a license by false or fraudulent representation;

(5) the licensee has violated any lawful order or directive of the commission; or

(6) the licensee has committed a violation in another state and disciplinary action taken against such licensee resulted in the suspension, probation or revocation of such licensee's real estate license in such other state.

(b) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the commission, in accordance with the Kansas administrative procedure act and upon a finding that a licensee has violated a provision of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder, may impose on such licensee a civil fine not exceeding \$500 for each violation.

(c) *In all matters pending before the commission, the commission shall have the power to revoke the license of any licensee who voluntarily surrenders such licensee's license or who does not renew such license pending investigation of misconduct or while charges of misconduct are pending or anticipated.*

(d) If a broker or salesperson has been declared disabled by a court of competent jurisdiction, the commission shall suspend the broker's or salesperson's license for the period of disability.

~~(e)~~ (e) (1) Except as provided by paragraph (2) of this subsection, no complaint alleging violation of this act or rules and regulations adopted hereunder, or the brokerage relationships in real estate transactions act or rules and regulations adopted thereunder, shall be commenced more than three years from the date of the occurrence which is the subject of the complaint.

(2) Unless the violation is not reasonably ascertainable, complaints alleging violation of subsection (a)(4) or (a)(5) shall be commenced within three years from the date of the occurrence of the violation. If the violation is not reasonably ascertainable, complaints alleging violation of subsection (a)(4) or (a)(5) shall be commenced within three years from the date of violation is ascertained by the commission.

~~(f)~~ (f) All administrative proceedings pursuant to this section shall be conducted in accordance with the Kansas administrative procedure act.

(f) (g) Notwithstanding any provision of this act or the brokerage relationships in real estate transactions act to the contrary, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536, and amendments thereto, to summarily suspend the license of any licensee if the commission has reasonable cause to believe that the licensee's trust account is in unsound condition or that the licensee is misappropriating funds belonging to other persons.

(g) (h) If a licensee has entered a plea of guilty or *nolo contendere* to, or has been convicted of, any felony charge, the commission may use emergency adjudicative proceedings, as provided by K.S.A. 77-536, and amendments thereto, to suspend, revoke, condition or restrict the licensee's license.

(h) (i) When the real estate license of an individual is revoked and that individual's name is included in the trade or business name of a real estate brokerage business, the commission may deny continued use of the trade or business name if, in the opinion of the commission, it would be confusing or misleading to the public.

If the revocation of the individual's license is appealed to district court and a stay of the commission's order is granted by the court, the commission may not deny continued use of the trade or business name until such time as the district court upholds the order of the commission.;

And by renumbering the remaining sections accordingly;

On page 15, in line 5, by striking "and 58-3047" and inserting ", 58-3047 and 58-3050";

In the title, in line 10, by striking "and 58-3047" and inserting ", 58-3047 and 58-3050"; and the bill be passed as amended.

Committee on **Education** recommends **HB 2422** be amended on page 1, in line 18, by striking "such" and inserting "the preceding"; in line 21, by striking the third "such" and inserting "the preceding"; in line 25, by striking "such" and inserting "the preceding"; in line 31, by striking "such" and inserting "the preceding"; in line 34, by striking the third "such" and inserting "the preceding"; in line 38, by striking "such" and inserting "the preceding"; and the bill be passed as amended.

Committee on **Education** recommends **SB 23** be amended on page 1, following the enacting clause by inserting the following:

"Section 1. K.S.A. 74-32,100 is hereby amended to read as follows: 74-32,100. ~~This act~~ K.S.A. 74-32,100 through 74-32,107 and sections 6, 7 and 8, and amendments thereto, shall be known and may be cited as the teacher service scholarship program act.;"

And by renumbering the remaining sections accordingly;

Also on page 1, in line 17, by striking "Section" and inserting "Sec."; in line 18, by striking "this" and inserting "the teacher service scholarship program"; in line 33, by striking "; (B) is licensed"; by striking all in lines 34 and 35; in line 36, by striking all preceding the semicolon and inserting "in a hard-to-fill teaching discipline or in an underserved area; (B) is licensed as a teacher and is endorsed to teach in a field which is not a hard-to-fill teaching discipline or is not in an underserved area, but has been accepted for admission to, or is enrolled in, a course of instruction leading to endorsement in a hard-to-fill teaching discipline or in an underserved area"; in line 39, preceding the semicolon by inserting "as a teacher in a hard-to-fill teaching discipline or in an underserved area";

On page 5, following line 12, by inserting the following:

"New Sec. 6. (a) As used in this section:

- (1) "Board" means the state board of regents.
- (2) "Institution" means a state educational institution as defined by K.S.A. 76-711, and amendments thereto, and Washburn University.
- (3) "Program" means the teacher education competitive grant program established by this section.
- (4) "Hard-to-fill teaching discipline" means a teaching discipline in which there is a critical shortage of teachers as determined and specified by the state board of education.
- (5) "Underserved area" means a geographic area of the state in which there is a critical shortage of teachers as determined by the state board of education.
- (6) "Teacher education program" means a program specifically targeted at increasing the number of students who complete a course of instruction leading to licensure as a teacher in a hard-to-fill teaching discipline or who agree to teach in an underserved area.

(b) There is hereby established the teacher education competitive grant program. Subject to the limitations of appropriations therefor, any institution which desires to establish or expand a teacher education program may submit an application for a competitive grant of moneys in an amount to be determined by the board for the purpose of paying the costs of establishing or expanding a teacher education program and any operating expenses related thereto. Grants shall be matched on the basis of \$2 from the teacher education grant program for \$1 from the institution receiving the grant. Grant moneys may be expended for creation of new teacher education programs or the expansion of existing teacher education programs provided by an institution.

(c) In order to be eligible for a grant under this section, the institution shall submit to the board an application for a grant. The application shall be prepared in such form and manner as required by the board and shall be submitted at a time to be determined and specified by the board.

(d) The board shall establish standards and criteria for reviewing, evaluating and approving applications for grants submitted pursuant to this section. All grants shall be awarded by the board in accordance with the standards and criteria established by the board. Within the limitations of appropriations therefor, the state board shall determine the amount and number of grants and be responsible for payment of grants to institutions.

(e) Each institution which is awarded a grant under this section shall make such periodic and special reports of statistical and financial information to the board as it may request.

(f) This section shall be part of and supplemental to the teacher service scholarship program.

New Sec. 7. At least 70% of the moneys appropriated to the state board for the purposes of the teacher service scholarship program shall be expended for the purpose of awarding teacher service scholarships under K.S.A. 74-32,102, and amendments thereto.

New Sec. 8. (a) On or before January 14, 2009, the state board shall submit a report to the legislature relating to the administration of the teacher service scholarship program and the teacher education competitive grant program. The report shall include the following information for the time period beginning on July 1, 2007 and ending on October 1, 2008:

(1) The number of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.

(2) The average amount of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.

(3) The aggregate amount of scholarships awarded under K.S.A. 74-32,102, and amendments thereto.

(4) The number of scholarships which were awarded under K.S.A. 74-32,102, and amendments thereto to applicants enrolled in courses of instruction leading to licensure as a teacher in hard-to-fill teaching disciplines and what those hard-to-fill teaching disciplines are.

(5) The number of scholarships which were awarded under K.S.A. 74-32,102, and amendments thereto to applicants enrolled in courses of instruction leading to licensure as a teacher in an underserved area and what those underserved areas are.

(6) The number of grants awarded under section 6, and amendments thereto, and the name of the postsecondary institutions to which the grants were awarded.

(7) The average amount of grants awarded under section 6, and amendments thereto.

(8) The aggregate amount of grants awarded under section 6, and amendments thereto, and the aggregate amount awarded to each postsecondary institution.

(b) The report also shall contain information relating to the need for the program and progress made under the program including, but not limited to:

(1) The number of vacant positions on July 1, 2007, in school districts in hard-to-fill teaching disciplines or in underserved areas.

(2) The number of vacant positions in hard-to-fill teaching disciplines or underserved areas on October 1, 2008.

(3) Other information deemed necessary by the state board.”;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 13, preceding “K.S.A.” by inserting “K.S.A. 74-32,100 and”;

In the title, in line 10, following “concerning” by inserting “postsecondary education; relating to”; in line 11, preceding “K.S.A.” by inserting “K.S.A. 74-32,100 and”; and the bill be passed as amended.

Education Budget Committee recommends **HB 2175** be amended on page 2, in line 14, by striking “The” and inserting “From and after July 1, 2010, the”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **SB 128** be amended on page 1, in line 19, by striking all after “with”; in line 20, by striking “dards” and inserting: “energy conservation education programs and goals”; in line 22, before “may” by inserting: “, through contracts between the commission and municipalities and electric cooperative utilities.”; in line 25, by striking all after “statewide”; in line 26, by striking all before “for” and inserting “goals”; in line 29, by striking “Kansas energy office” and inserting “governor”; by striking all in lines 39 through 43;

On page 2, by striking all in line 1 and inserting in lieu thereof the following:

“(8) one member to represent the department of transportation;

(9) one member to represent the propane industry;

(10) one member to represent the Kansas association for conservation and environmental education.”;

Also on page 2, by striking all in line 6;

And by redesignating paragraphs accordingly;

Also on page 2, in line 13, by striking “(1)”; in line 15, by striking all after “section”; in line 16, by striking all before the first comma and inserting: “. Such duties shall include:

(1) Prescribing information to be included in program goals”;

Also on page 2, in line 24, by striking all after “(2)”; in line 25, by striking all before “for” and inserting: “Development of separate energy conservation materials”; by striking all in line 28; in line 29, by striking “mend” and inserting:

“(3) Recommendation of mechanisms for recovery of costs of the program by different types of participating utilities.

(4) Recommendation of methods of most effectively communicating with energy consumers.

(5) Recommendation of”;

Also on page 2, in line 35, after “electric” where it appears for the first time by inserting “public”; in line 39, by striking “standards” and inserting “goals”;

On page 3, in line 10, after “electric” where it appears for the first time by inserting “public”; in line 15, by striking “2010” and inserting “2009”; in line 18, after “electric” by inserting “public”; in line 19, by striking “cooperative” where it appears for the first time; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **Sub. SB 82, SB 285** 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 **Taxation** recommends **HB 2495, HB 2529** be passed.

Committee on **Taxation** recommends **HB 2430** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2430,” as follows:

“Substitute for HOUSE BILL No. 2430

By Committee on Taxation

“AN ACT concerning taxation; relating to homestead property tax refunds; amending K.S.A. 79-4509 and 79-4511 and K.S.A. 2006 Supp. 79-4502 and 79-4504 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2430** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2519** be amended on page 6, after line 36, by inserting the following:

“(19) The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers’ sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers’ sales tax imposed pursuant to this paragraph may be extended or

reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.”;

On page 10, in line 14, by striking “and”; in line 16, after “(18)”, by inserting “of subsection (b)”; in line 19, after “.5%”, by inserting the following: “; and

(q) the board of county commissioners of Jefferson county, for the purpose of paragraph (19) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%”;

On page 13, in line 23, by striking “or” and inserting a comma; also in line 23, after “(18)”, by inserting “or (19)”; and the bill be passed as amended.

Select Committee on **KPERS** recommends **HB 2558** be passed.

REPORT ON ENGROSSED BILLS

HB 2264 reported correctly engrossed March 13, 2007.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Thursday, March 15, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

