

# Journal of the House

TWENTY-FIRST DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 12, 2008, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.  
The roll was called with 101 members present.  
Rep. Crow was excused on verified illness.  
Reps. Faust-Goudeau, Flora, Fund, Hawk, C. Holmes, Johnson, Knox, Kuether, Light, Long, Mast, McLachlan, Judy Morrison, Moxley, Myers, Olson, Proehl, Sloan, Svaty and Swanson were excused on legislative business.  
Reps. Ballard, Grange and Kelsey were excused on excused absence by the Speaker.  
Prayer by Chaplain Brubaker:

Dear Lord,  
For all the following issues, we ask for your insight:  
to build or not to build a power plant  
that would provide power and light;  
how to handle those predators  
who prey on the innocent at night;  
what to spend or how to spend on educational tools  
that allow our children to achieve greater heights;  
and just how far do we go in health care  
to enable the sick to be able fight;  
and for all those medical bills —  
how do we take the sting out of the bite;  
for those who come to our land — the tired, the poor, the huddled masses —  
what decisions do we make for them — stay or take flight?  
Lord, it seems the list goes on forever — way out of sight,  
You can see our serious plight;  
so we turn to you for we realize  
the decisions are to be made in Your Spirit and power,  
and NOT by our might.  
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Wetta.

There being no objection, the following remarks of Rep. Lukert are spread upon the journal:

On September 11, 2007, while working on U.S. Hwy 59 near Lawrence, the life of a young man from my district tragically ended in a senseless work place accident.

Ty Korte was 30 years old and had worked for the Kansas Department of Transportation as an Engineering Technician for five years. He also served as an elected steward for the Kansas Organization of State Employees.

Ty's untimely death serves as a reminder for all of us of the danger that men and women face every day as they risk their lives in highway work zones.

Workers such as Ty provide an essential service improving the state transportation system for the traveling public. However, motorists traveling through work zones present a signif-

ificant safety risk to the highway workers and other motorists, witnessed by the fact that 14 people were killed and 657 injured in work zone crashes last year.

Highway work zone safety is a top priority in the state of Kansas and is being carefully examined by a joint committee comprised of KDOT and Kansas Highway Patrol employees.

As a direct result of Ty's death, additional work force safety standards are being examined so hopefully other families will not have to experience the tragic sense of loss the Korte family is feeling at this moment.

I would like to present this certificate in recognition of Ty Korte's sacrifice and the need to recommit to a safer work place environment for our state highway workers and the important service they provide.

Rep. Lukert introduced Ty's parents, Tom and Wilma, and his sisters, Olivia and Christina.

Rep. Storm introduced eleven foreign exchange students who are attending high schools in the Shawnee Mission area.

#### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2828**, An act concerning school districts; relating to the reporting of receipts and expenditures thereof; amending K.S.A. 2007 Supp. 72-8254 and repealing the existing section, by Committee on Appropriations.

**HB 2829**, An act concerning deer; relating to the taking thereof, by Committee on Agriculture and Natural Resources.

**HB 2830**, An act concerning crimes, criminal procedure and punishment; relating to sentencing; theft; amending K.S.A. 21-4704 and repealing the existing section; also repealing K.S.A. 21-4704b, by Representative Patton.

**HB 2831**, An act concerning crimes and punishment; creating the crime of theft of a vehicle; amending K.S.A. 21-3705, 21-4603d and 21-4704 and repealing the existing sections; also repealing K.S.A. 21-4704b, by Representative Patton.

**HB 2832**, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 74-4922 and 74-4939 and K.S.A. 2007 Supp. 74-4914 and repealing the existing sections, by Representative Otto.

**HB 2833**, An act concerning retirement; relating to retirant dividend payment; lottery revenue fund; amending K.S.A. 2007 Supp. 74-8768 and repealing the existing section, by Representatives Otto, Williams, Henderson, Horst, Lane, Mast, McCray-Miller, Palmer, Powers and Rardin.

**HB 2834**, An act concerning sales taxation; relating to exemptions; certain purchases by disabled veterans of the armed forces of the United States, by Representatives Peck, Bowers, Fund, M. Holmes, Kinzer, Mast, Jim Morrison, Otto, Rhoades and B. Wolf.

**HB 2835**, An act creating the sexually oriented business regulation act; amending K.S.A. 22-3901 and repealing the existing section, by Representative Kinzer.

**HB 2836**, An act enacting the Kansas illegal alien reform act; amending K.S.A. 21-3830, 22-2802 and 25-2416 and K.S.A. 2007 Supp. 8-240, 8-1324, 79-32,120 and 79-32,138 and repealing the existing sections, by Representatives Kinzer, Landwehr, Judy Morrison, Ruff, Brown, Crum, Faber, Fund, Gatewood, Hodge, M. Holmes, Kelley, Keigerl, Mast, McLeland, Merrick, Jim Morrison, Myers, Otto, Pauls, Peck, B. Wolf and Worley.

**HB 2837**, An act concerning certain homeowners' associations, by Representatives Huntington, Brown, Gordon, Pottorff, Watkins and K. Wolf.

**HB 2838**, An act concerning licensure for food service establishment; amending K.S.A. 2007 Supp. 36-503 and repealing the existing section, by Committee on Appropriations.

**HB 2839**, An act concerning the grandparents as caregivers act; relating to eligibility requirements; amending K.S.A. 2007 Supp. 38-145 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2840**, An act concerning school districts; relating to increases in state aid; amending K.S.A. 2007 Supp. 72-64c04 and repealing the existing section, by Representative Horst.

**HB 2841**, An act regulating traffic; concerning traffic-control lights; amending K.S.A. 8-1508 and repealing the existing section, by Committee on Elections and Governmental Organization.

**HB 2842**, An act concerning teachers; relating to certification; enacting the American board for certification of teacher excellence act, by Committee on Education.

**HB 2843**, An act concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2007 Supp. 74-50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, by Committee on Appropriations.

**HB 2844**, An act concerning sales taxation; relating to exemptions; Kansas fairgrounds foundation; amending K.S.A. 2007 Supp. 79-3606 and repealing the existing section, by Representative O'Neal.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **HB 2800**.

Appropriations: **HB 2827**.

Commerce and Labor: **HB 2826**.

Elections and Governmental Organization: **HB 2802, HB 2803, HB 2804, HB 2805**.

Energy and Utilities: **HB 2806, HB 2807, HB 2808**.

Federal and State Affairs: **HB 2801, HB 2811, HB 2817**.

Health and Human Services: **HB 2810**.

Insurance and Financial Institutions: **HB 2821, HB 2822**.

Judiciary: **HB 2813, HB 2814, HB 2815, HB 2816, HB 2818, HB 2819, HB 2820, HB 2825**.

Taxation: **HB 2809, HB 2823**.

Transportation: **HB 2812, HB 2824**.

#### COMMUNICATIONS FROM STATE OFFICERS

From Dr. Fred A. Cholick, Dean, College of Agriculture, Director, K-State Research and Extension, Kansas State University, Kansas Center for Sustainable Agriculture and Alternative Crops 2007 Annual Report.

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

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6011—

By Representative Holland

A RESOLUTION proclaiming and celebrating the 150th anniversary of the founding of Baker University.

WHEREAS, Baker University was founded on February 12, 1858 by a group of Methodists hoping to bring education to the Kansas-Nebraska Territory and was named after distinguished scholar Osmon Cleander Baker, Bishop of the Methodist-Episcopal Church which is now the United Methodist Church; and

WHEREAS, Baker University was founded before Kansas became a state, and its charter was granted by the Territorial Legislature in 1858; and

WHEREAS, The first building on the Baker Campus was Old Castle in which its doors were first opened on November 22, 1858, which is now known as Old Castle Museum on the Baker Campus in Baldwin City with Werter Renick Davis as its first president; and

WHEREAS, Baker University, is now a comprehensive university with four schools serving nearly 4,000 students across six campuses and at other locations in Kansas and Missouri: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we do hereby proclaim the year 2008 as Baker University's sesquicentennial year. We celebrate its con-

tinued growth, rich legacy, progress and achievements of the university, and we recognize Baker University as the first university in Kansas and as a great institution of higher learning; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide 25 enrolled copies of this resolution to Representative Holland.

#### CONSENT CALENDAR

No objection was made to **HB 2701** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2643, HB 2656, HB 2700** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2315** be amended on page 2, in line 14, after "(d)" by inserting "Pre-inspection agreement" means a written contract between a customer and a home inspector to do a home inspection.

(e)";

And by relettering the remaining subsections accordingly;

On page 3, in line 13, by striking all after "license"; by striking all in line 14; in line 15, by striking all before the semicolon; in line 22, after "(h)" by inserting "an individual licensed as a manufactured home manufacturer while acting within the scope of that license;

(i) an individual employed by a manufactured home manufacturer while acting within the scope of that occupation;

(j) a modular home manufacturer or modular home manufacturer's representative reviewing a residential dwelling built by the manufacturer for the purpose of evaluating the residential dwelling;

(k)";

Also on page 3, in line 24, by striking "(i)" and inserting "(l)"; in line 26, by striking "(j)" and inserting the following:

"(m) an individual licensed by the state as an insurance agent while acting within the scope of that license;

(n)";

Also on page 3, in line 28, by striking "prior to the dwelling's first transfer of ownership"; in line 30, by striking "(k)" and inserting "(o)";

On page 4, in line 5, by striking "2007" and inserting "2008"; in line 7, by striking "2008" and inserting "2009";

On page 5, in line 17, by striking "(a)"; in line 23, by striking "shall be approved by the board" and inserting the following:

"shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the board or by a person or persons designated by the board";

On page 6, in line 29, by striking all after "(a)"; by striking all in lines 30 through 32; in line 33, by striking "(b) inspecting" and inserting "Inspecting";

And by relettering the remaining subsections accordingly;

On page 7, in line 1, by striking "2008" and inserting "2009"; by striking all in lines 31 through 35; in line 36, after "(f)" by inserting the following:

"submit proof of membership in good standing in one or more nationally recognized society, association or organization that provides for membership of individuals engaged in home inspections as recognized by the board; and

(g)";

And by relettering the remaining subsections accordingly;

On page 8, in line 14, by striking "\$1,000" and inserting "\$10,000"; in line 15, before the period, by inserting "and such term or condition or limitation setting the liability at an

amount greater than \$10,000 must be provided to the customer in writing to be in effect"; in line 24, by striking "of"; also in line 24, by striking "\$1,000" and inserting "\$10,000"; in line 25, before the period, by inserting ", or to the amount in the pre-inspection agreement to conduct a home inspection, if greater than \$10,000 in the aggregate for each home inspection, provided that a home inspector provides the customer with a clear written description in the pre-inspection agreement of any greater limitations on the liability of the home inspector for any errors and omissions which may arise during the home inspection"; and the bill be passed as amended.

Committee on **Judiciary** recommends **HB 2545** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2545," as follows:

"Substitute for HOUSE BILL No. 2545

By Committee on Judiciary

"AN ACT concerning controlled substances; relating to possession thereof; amending K.S.A. 65-4162 and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2545** was thereupon introduced and read by title.)

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 2845**, An act concerning crimes, punishment and criminal procedure; relating to theft and aiding escape; amending K.S.A. 21-3701, 21-3702 and 21-3811 and repealing the existing sections, by Committee on Judiciary.

**HB 2846**, An act concerning medical facilities; relating to patient safety; amending K.S.A. 65-430 and K.S.A. 2007 Supp. 65-3508 and repealing the existing sections, by Committee on Health and Human Services.

**HB 2847**, An act concerning examination for licenses; heating, ventilation and air conditioning, plumbing and electrical contractors and electricians; amending K.S.A. 12-1508, 12-1525 and 12-1541 and repealing the existing sections, by Committee on Commerce and Labor.

**HB 2848**, An act concerning workers compensation; relating to bilateral scheduled injuries; amending K.S.A. 44-510e and repealing the existing section, by Committee on Commerce and Labor.

**HB 2849**, An act relating to the Kansas department of revenue; concerning the division of vehicles; relating to certain contracts, by Committee on Insurance and Financial Institutions.

**HB 2850**, An act concerning stalking; relating to protective orders; amending K.S.A. 21-3438, 21-3843 and 60-31a06 and repealing the existing sections, by Representative Kelley.

**HB 2851**, An act concerning child care facilities and family day care homes; inspections and assessments; amending K.S.A. 65-508, 65-512, 65-513, 65-517, 65-520 and 65-522 and K.S.A. 2007 Supp. 65-503 and repealing the existing sections, by Representative M. Holmes.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Wednesday, February 13, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

