

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 25, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 119 members present.
Rep. Crow was excused on verified illness.
Reps. Grange, Loganbill, Pottorff and K. Wolf were excused on excused absence by the Speaker.
Rep. Hodge was absent.
Present later: Rep. Loganbill.

Prayer by guest chaplain, the Rev. Thad Holcombe, Campus Pastor, Ecumenical Christian Ministries, University of Kansas, Lawrence, and guest of Rep. Sloan:

May we pause, for those so inclined, and have a moment for reflection.
O God, Father and Mother of us all, we are a thankful people for your presence that knows no bounds.

It is in you, O God, that we abide. For the men and women of this legislature, I give thanks. To them has been given the task of hearing your call to compassion. May they hear this call with an openness of heart and mind to all the citizens of this state. It is, O God, through a willingness to empathize with others, that we form a community of care for the pursuit of the public good. May this body be courageous in their deliberations and uphold the banner of justice.

We ask, O God, that this legislature acknowledge the sacredness of the earth and our interdependence with all of life. Let us acknowledge that the age of innocence is over. We cannot treat the earth as we have done in the past. The question is "What can we do to preserve and maintain the Creation on a long term basis?" May the legislation of this body be from the point of view of a life support system and based on care for the generations of life that come after our demise. May the actions of this body be mindful of our children and grandchildren who will inherit the choices made and votes cast by these men and women.

The call for compassion, by this legislature, O God, goes beyond defending the labels of conservative or liberal. The issues of today are too urgent to be trivialized by such action. The increasing pollution of air and water are too urgent. The gap between the poor and wealthy grows larger as does the number of citizens of this state who cannot afford adequate health insurance. The increasing population of our prisons calls for a justice tempered by compassion. Mental health issues and addictions that impair our citizens need the imagination and compassion of this legislature. The age of innocence, O God, is over. No longer can any of us in this body or citizens of this state, make decisions based on just our own survival and comfort. We are called to demonstrate that we are capable of viewing the urgent issues of our time with a perspective that will be celebrated by those who come after us in future generations as wise, compassionate and just. Amen.

The Pledge of Allegiance was led by Rep. Brunk.

INTRODUCTION OF GUESTS

Rep. Jim Morrison introduced Amy Wilson of Colby, who is Miss Rodeo America. Reps. Morrison and George presented her with a framed House certificate. Miss Wilson addressed a few remarks to the members of the House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2935, An act concerning cemetery corporations; relating to the dissolution thereof; amending K.S.A. 17-1367 and repealing the existing section, by Committee on Appropriations.

HB 2936, An act making and concerning appropriations for the fiscal years ending June 30, 2009, and June 30, 2010, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations

HB 2937, An act concerning workers compensation; relating to bilateral scheduled injuries; amending K.S.A. 44-510e and repealing the existing section, by Committee on Federal and State Affairs.

HB 2938, An act concerning sales taxation; relating to certain exemptions; nonprofit organizations; amending K.S.A. 2007 Supp. 79-3603, 79-3606 and 79-3692 and repealing the existing sections, by Committee on Taxation.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Agriculture and Natural Resources: **SB 557, SB 584**.

Appropriations: **SB 531, SB 534**.

Commerce and Labor: **HR 6014**.

Economic Development and Tourism: **SB 489, SB 518**.

Education: **SB 404, SB 437, SB 459, SB 470, SB 507**.

Elections and Governmental Organization: **SB 454, SB 526**.

Health and Human Services: **HB 2934**.

Judiciary: **SB 418, SB 536**.

Taxation: **SB 471**.

Transportation: **SB 523**.

Select Committee on Corrections Reform and Oversight: **SB 517**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2903** from Committee on Appropriations and rereferral to Committee on Education.

CONSENT CALENDAR

No objection was made to **HB 2908** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2824; SB 447** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2892** 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 2892, An act concerning underground crude oil storage; relating to rules and regulations, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George,

Goico, Gordon, Goyle, 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, Long, Lukert, Mah, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Mast.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed.

Sub. HB 2207, An act concerning the Kansas board of pharmacy; authorizing emergency proceedings against permits and registrations; amending K.S.A. 2007 Supp. 65-1627 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, 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, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Watkins.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The substitute bill passed.

HB 2628, An act concerning townships; amending K.S.A. 80-101 and 80-109 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, 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, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed as amended.

HB 2660. An act concerning petroleum products; relating to the payment of fees; amending K.S.A. 55-427 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 1; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Knox.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed.

HB 2681. An act repealing K.S.A. 48-1604; concerning studies of law and regulations to promote nuclear industrial development, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 40; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, Garcia, George, Goico, Gordon, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Worley, Yoder.

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Holland, Kuether, Lane, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Palmer, Pauls, Peterson, Phelps, Rardin, Ruff, Ruiz, Storm, Swenson, Tietze, Treaster, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed.

HB 2688. An act concerning insurance; relating to the property and casualty actuarial opinion letter law, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Long, Lukert, Mah, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Huebert, Kelley, Kinzer, Mast, Peck.
 Present but not voting: None.
 Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.
 The bill passed.

HB 2691, An act relating to motor vehicles; providing for the issuance of gold star mother license plates; amending K.S.A. 2007 Supp. 8-1,141 and 8-1,147 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, 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, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed as amended.

HB 2704, An act relating to motor vehicles; providing for an In God We Trust license plate, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, 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, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: Dillmore, Sloan.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: It is time the House begins addressing some of the critical issues facing our constituents. As we approach half way through our session we have not talked about health care, minimum wage, immigration, or tax relief for fixed income seniors.

Instead, we spend our time naming highways and issuing commemorative license plates. Someone needs to say enough is enough and demand we get down to business. I vote no on **HB 2704**.—NILE DILLMORE

HB 2726, An act concerning crime, criminal procedure and punishment; relating to victims; polygraph examinations, was considered on final action.

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

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

Nays: Kelley, Merrick, Olson.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Judy Morrison, Pottorff, K. Wolf.
The bill passed as amended.

HB 2771. An act concerning age discrimination; amending K.S.A. 44-1112 and 44-1118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 71; Nays 48; Present but not voting: 0; Absent or not voting: 6.

Yeas: Beamer, Bethell, Bowers, Brunk, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Feuerborn, Flaharty, Flora, Fund, George, Goico, Gordon, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Kuether, Light, Lukert, Masterson, McKinney, McLeland, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Powers, Proehl, Roth, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Tafanelli, Tietze, Vickrey, Wetta, Whitham, Williams, B. Wolf, Worley.

Nays: Aurand, Ballard, Brown, Burgess, Burroughs, Carlin, Craft, Davis, Dillmore, Faust-Goudeau, Frownfelter, Garcia, Gatewood, Goyle, Henderson, Holland, Huntington, King, Landwehr, Lane, Long, Mah, Mast, McCray-Miller, McLachlan, Menghini, Merrick, Neighbor, Owens, Peterson, Phelps, Quigley, Rardin, Rhoades, Ruiz, Sawyer, Sloan, Storm, Svaty, Swanson, Swenson, Treaster, Trimmer, Ward, Watkins, Wilk, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.

The bill passed.

HB 2781. An act concerning dental offices; permitting an additional office in counties with low population densities; amending K.S.A. 65-1435 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, 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, 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, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Crow, Grange, Hodge, Loganbill, Pottorff, K. Wolf.
The bill passed as amended.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Gatewood, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **HB 2642** be adopted; also, on motion of Rep. Yoder be amended on page 1, after line 16, by inserting the following:

“Section 1. K.S.A. 20-3202 is hereby amended to read as follows: 20-3202. ~~On and after July 1, 2006~~. (a) The commission shall consist of thirteen members appointed by the judicial council. The council shall appoint commission members of outstanding competence and reputation. Six members of the commission shall be non-lawyers and six members of the commission shall be lawyers, justices or judges. The judicial council shall appoint the chair of the commission, who shall be a lawyer, justice or judge. At least one non-lawyer commission member and at least one lawyer, justice or judge commission member shall reside in each congressional district. The rules of the commission shall provide that the terms of the commission members are staggered.

(b) For the purposes of K.S.A. 20-3201 through 20-3207, and amendments thereto, the commission shall not be subject to the Kansas open meetings act as provided in K.S.A. 75-4317 et seq., and amendments thereto.

(c) As used in K.S.A. 20-3201 through 20-3207, and amendments thereto:

(1) “Lawyer” means an attorney registered as active pursuant to supreme court rule.

(2) “Judge” means: a current or retired Kansas judge of the district court ~~and~~; a current or retired judge of the Kansas court of appeals; *and a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto.*

(3) “Justice” means a current or retired justice of the Kansas supreme court.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 22, after “except” by inserting “as provided in subsection (d) or”; after line 35, by inserting the following:

“(d) Judicial performance evaluation results of a retirant serving as a judge under written agreement with the Kansas supreme court pursuant to K.S.A. 20-2622, and amendments thereto, shall be public and shall be used by the Kansas supreme court for the determination of a continuing agreement pursuant to K.S.A. 20-2622, and amendments thereto.”;

On page 9, in line 2, after “K.S.A.” by inserting “20-3202.”;

In the title, in line 11, after “K.S.A.” by inserting “20-3202.”; and **HB 2642** be passed as amended.

Committee report to **HB 2816** be adopted; also, on motion of Rep. Proehl be amended on page 3, in line 21, by striking “notice” and inserting “report”; in line 22, after “licable” by inserting a comma; also in line 22, after “days” by inserting “from the date of the pupil’s act.”; also in line 22, after “weekends” by inserting a comma; and **HB 2816** be passed as amended.

Committee report to **HB 2644** be adopted; and the bill be passed as amended.

Committee report to **HB 2758** be adopted; and the bill be passed as amended.

Committee report to **HB 2768** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2827** 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 **Commerce and Labor** recommends **HB 2772** be amended on page 1, in line 14, after “Section 1.” by inserting the following:

“K.S.A. 58-4102 is hereby amended to read as follows: 58-4102. As used in this act:

(a) “Appraisal” or “real estate appraisal” means an analysis, opinion or conclusion prepared by a real estate appraiser relating to the nature, quality, value or utility of specified

interests in, or aspects of, identified real estate. An appraisal may be classified by subject matter into either a valuation or an analysis. A valuation is an estimate of the value of real estate or real property. An analysis is a study of real estate or real property other than estimating value.

(b) "Appraisal assignment" means an engagement for which an appraiser is employed or retained to act, or would be perceived by third parties or the public as acting, as a disinterested party in rendering an unbiased analysis, opinion or conclusion relating to the nature, quality, value or utility of specified interests in, or aspects of, identified real estate.

(c) "*Brokers price opinion*" and "*comparative market analysis*" means an analysis, opinion or conclusion prepared by an individual licensed as a real estate broker or salesperson pursuant to K.S.A. 58-3034 et seq., and amendments thereto, relating to the price of specified interests in or aspects of identified real estate property that is provided to a potential customer, client or third party in the ordinary course of business.

(d) "Board" means the real estate appraisal board established pursuant to the provisions of this act.

~~(e)~~ (e) "Federal law" means title XI of the financial institutions reform, recovery and enforcement act of 1989 (12 U.S.C. 3331 et seq.) and any other federal law, and any regulations adopted pursuant thereto.

~~(f)~~ (f) "Federally related transaction" means any real estate-related financial transaction which: (1) A federal financial institutions regulatory agency or the resolution trust corporation engages in, contracts for or regulates; and (2) requires the services of an appraiser.

~~(g)~~ (g) "Real estate" means an identified parcel or tract of land, including improvements, if any.

~~(h)~~ (h) "Real estate appraisal organization" means any nationally recognized organization of professional appraisers.

~~(i)~~ (i) "Real estate-related financial transaction" means any transaction involving: (1) The sale, lease, purchase, investment in or exchange of real property, including interests in property or the financing thereof; (2) the refinancing of real property or interests in real property; ~~and~~ (3) the use of real property or interests in property as security for a loan or investment, including mortgage-backed securities; or (4) a federally related transaction.

~~(j)~~ (j) "Real property" means one or more defined interests, benefits and rights inherent in the ownership of real estate.

~~(k)~~ (k) "Specialized services" means those appraisal services which do not fall within the definition of appraisal assignment. Specified services may include valuation work and analysis work. Regardless of the intention of the client or employer, if the appraiser would be perceived by third parties or the public as acting as a disinterested party in rendering an unbiased analysis, opinion or conclusion, the work is classified as an appraisal assignment and not specialized services.

~~(l)~~ (l) A "state certified appraiser" means a person who develops and communicates real estate appraisals and who holds a current, valid certificate issued to such person under the provisions of this act.

~~(m)~~ (m) A "state licensed appraiser" means a person who develops and communicates real estate appraisals and holds a current, valid license issued to such person under the provisions of this act.

~~(n)~~ (n) "Written appraisal" means a written statement used in connection with a ~~federally related~~ real estate-related financial transaction that is independently and impartially prepared by a licensed or certified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by presentation and analysis of relevant market information.

(o) "Appraiser" means a person who develops and communicates real estate appraisals for real estate-related financial transactions and holds a current valid certification or license issued to such person under the provisions of K.S.A. 58-4101 et seq., and amendments thereto.

Sec. 2.;

Also on page 1, in line 32, by striking "severity level"; in line 33, by striking all before the period and inserting "class A nonperson misdemeanor";

On page 2, after line 28, by inserting the following:

(g) *The provisions of paragraph (1) of subsection (a) shall not preclude an individual licensed as a certified public accountant pursuant to K.S.A. 1-301 et seq., and amendments thereto, from performing and providing services as a certified public accountant or as otherwise allowed by law. In no event shall any report by a certified public accountant be referred to as an appraisal or such certified public accountant represent such individual's self as a state certified or licensed appraiser unless such certified public accountant is a state certified or licensed appraiser.*

(h) *The provisions of paragraph (1) of subsection (a) shall not preclude an individual licensed as an attorney pursuant to K.S.A. 7-103 et seq., and amendments thereto, from performing and providing services as an attorney or as otherwise allowed by law. In no event shall any report by an attorney be referred to as an appraisal or such attorney represent such individual's self as a state certified or licensed appraiser unless such attorney is a state certified or licensed appraiser.*

Sec. 3. K.S.A. 58-4117 is hereby amended to read as follows: 58-4117. (a) As a prerequisite to renewal of a certificate or license, the appraiser shall present evidence satisfactory to the board of having met the continuing education requirements.

(b) The basic continuing education requirement for renewal of a certificate or license shall be the completion by the applicant, during the immediately preceding term of certification or licensure, of the number of hours of classroom instruction which have been established pursuant to K.S.A. 58-4109 and amendments thereto and which have received the approval of the board.

(c) No amendment or repeal of a rule and regulation adopted by the board shall operate to deprive an applicant of credit toward renewal of a certificate or license for any course of instruction completed by the applicant prior to the amendment or repeal of the rule and regulation which would have qualified for continuing education credit under the rule and regulation as it existed prior to the repeal or amendment.

(d) A certificate or license that has been revoked as a result of disciplinary action by the board shall not be reinstated unless the applicant presents evidence of completion of the continuing education required pursuant to this act. ~~This requirement of evidence of continuing education shall not be imposed upon an applicant for reinstatement who has been required to successfully complete an examination as a condition of reinstatement.~~

Sec. 4. K.S.A. 58-4118 is hereby amended to read as follows: 58-4118. (a) The board may investigate the actions of a state certified or licensed appraiser and may revoke, condition, limit or suspend the certificate or license of the appraiser, or censure the appraiser, for any of the following acts or omissions:

(1) Procuring or attempting to procure a certificate or license pursuant to this act by knowingly making a false statement, submitting false information, refusing to provide complete information in response to a question in an application for certification or licensure or any form of fraud or misrepresentation;

(2) failing to meet the minimum qualifications established by this act;

(3) paying money, other than provided for by this act, to any member or employee of the board to procure a certificate or license under this act;

(4) a plea of guilty or nolo contendere to, or conviction 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;

(5) an act or omission involving dishonesty, fraud or misrepresentation, with the intent to substantially benefit the appraiser or another person or with the intent to substantially injure another person;

(6) violation of any of the standards for the development or communication of real estate appraisals as provided in this act;

(7) failure or refusal without good cause to exercise reasonable diligence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

(8) negligence or incompetence in developing an appraisal, preparing an appraisal report or communicating an appraisal;

(9) willfully disregarding or violating any provision of this act or rules and regulations of the board for the administration and enforcement of the provisions of this act;

(10) accepting an appraisal assignment, described in K.S.A. 58-4122, and amendments thereto, when the employment itself is contingent upon the appraiser reporting a predetermined estimate, analysis or opinion, or when the fee to be paid is contingent upon the opinion, conclusion or valuation reached, or upon the consequences resulting from the appraisal assignment;

(11) violating the confidential nature of governmental records to which the appraiser gained access through employment or engagement as an appraiser by a governmental agency;

(12) entry of a final civil judgment against the person on grounds of fraud, misrepresentation or deceit in the making of any appraisal of real property;

(13) disciplinary action in relation to appraisal work, including, but not limited to, denial, revocation or suspension of a license or certificate by another state, district or territory of the United States or another country; or

(14) receipt of an order of prohibition in relation to appraisal work, by consent or otherwise, issued by an agency of the federal government.

(b) In addition to or in lieu of any other administrative, civil or criminal remedy provided by law, the board upon a finding that a state certified or licensed appraiser has violated any provision of this act or of any rules and regulations adopted hereunder *or upon a finding that a person who is not a state certified or licensed appraiser has violated any provision of subsection (a) of K.S.A. 58-4103, and amendments thereto*, may impose upon such appraiser *or such person* a civil fine not exceeding \$1,000 for each violation. All moneys collected by the board from such fines shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(c) In a disciplinary proceeding based upon a civil judgment, the appraiser shall be afforded an opportunity to present matters in mitigation and extenuation but may not collaterally attack the civil judgment.

(d) *If the board determines that a person has violated any provision of subsection (a) of K.S.A. 58-4103, and amendments thereto, in addition to any other penalties imposed by law, the board may issue a cease and desist order against such person.*

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

And by renumbering the remaining sections accordingly;

Also on page 2, in line 29, by striking “58-4103 is” and inserting “58-4102, 58-4103, 58-4117 and 58-4118 are”;

On page 1, in the title, in line 10, by striking “58-4103” and inserting “58-4102, 58-4103, 58-4117 and 58-4118”; in line 11, by striking “section” and inserting “sections”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2605** be amended on page 1, by striking all in lines 14 through 43;

On page 2, by striking all in lines 1 through 3 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 72-6455 is hereby amended to read as follows: 72-6455. The high density at-risk pupil weighting of each school district shall be determined by the state board as follows:

(a) ~~Except as provided by subsection (d),~~ If the district has an enrollment of ~~less than 40%~~ 44% or fewer at-risk pupils, the state board shall multiply the number of at-risk pupils enrolled in the district by 0. The product is the high density at-risk pupil weighting of the district.

(b) ~~Except as provided by subsection (d),~~ if the district has an enrollment of at least 40% but less than 50% at-risk pupils, the state board shall multiply the number of at-risk pupils by .04 in school year 2006-2007, by .05 in school year 2007-2008 and by .06 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

(b) *If the district has an enrollment more than 44% but less than 55% at-risk pupils, the state board shall:*

(1) *Subtract 44% from the percentage of at-risk enrollment in the district;*

(2) multiply the amount determined under paragraph (1) by .01 in school year 2008-2009 and each school year thereafter; and

(3) multiply the number of at-risk pupils enrolled in the district by the product determined under paragraph (2). The product is the high density at-risk pupil weighting of the district.

(c) If the district has an enrollment of ~~50%~~ 55% or more at-risk pupils, the state board shall multiply the number of at-risk pupils by ~~.08 in school year 2006-2007, by .09 in school year 2007-2008 and~~ enrolled in the district by ~~+.0~~ .01 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.

(d) If the district has an enrollment of at least 35.1% at-risk pupils and an enrollment density of at least 212.1 pupils per square mile, the state board shall multiply the number of at-risk pupils by ~~.08 in school year 2006-2007, by .09 in school year 2007-2008 and~~ enrolled in the district by ~~+.0~~ .01 in school year 2008-2009 and each school year thereafter. The product is the high density at-risk pupil weighting of the district.”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2734** be amended on page 2, by striking all in lines 24 through 43 and inserting the following:

“(B) add the amounts determined under paragraph (A) of this subsection (b)(1). The sum is the state financial aid of the consolidated district for the school year in which the consolidation is completed.

If any of the school districts had an enrollment of less than 150 pupils on the day preceding the consolidation, the state financial aid of the newly consolidated district for the school year following the school year in which the consolidation was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

If all of the school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on the day preceding the consolidation, the state financial aid of the newly consolidated district for the three school years following the school year in which the consolidation was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

If all of the school districts had an enrollment of 200 or more pupils prior to the consolidation, the state financial aid of the newly consolidated district for the four school years following the school year in which the consolidation was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.”;

On page 3, by striking all in lines 13 through 31 and inserting the following:

“(B) add the amounts determined under paragraph (A) of this subsection (b)(1). The sum is the state financial aid of the enlarged district for the school year in which the attachment is completed.

If any of the school districts had an enrollment of less than 150 pupils on the day preceding the attachment, the state financial aid of the enlarged district for the school year following the school year in which the attachment was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

If all of the school districts had an enrollment of at least 150 pupils but any had less than 200 pupils on the day preceding the attachment, the state financial aid of the enlarged district for the three school years following the school year in which the attachment was completed shall be the greater of: (i) The amount received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.

If all of the school districts had an enrollment of 200 or more pupils prior to the attachment, the state financial aid of the enlarged district for the four school years following the school year in which the attachment was completed shall be the greater of: (i) The amount

received in the preceding school year; or (ii) the amount the district would receive under the school district finance and quality performance act prior to amendment by this section.”;

Also on page 3, in line 38, by striking “2008” and inserting “2010”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2760** be amended on page 2, in line 14, before “its” by inserting “July 1, 2010, and”; and the bill be passed as amended.

Committee on **Energy and Utilities** recommends **HB 2634** be amended on page 1, in line 15, by striking “7” and inserting “8”; in line 35, after “wireless” by inserting “, wireline, cable-modem and other technological means of providing”; in line 36, by striking “who is” and inserting “to persons who are”; in line 38, by striking “receive” and inserting “are capable of receiving”; in line 41, by striking “and annually thereafter,”; in line 43, by striking “a list of all”;

On page 2, in line 1, by striking “addresses” and inserting “information presenting the geographic areas where customers are capable of”; Also in line 1, by striking all after the period; by striking all in lines 2 through 7; in line 8, by striking “ment.” and inserting “The department shall not require subsequent annual reports from providers who document the geographic areas where customers are capable of receiving broadband.”; in line 15, by striking all after “tract”; by striking all in lines 16 through 24 and inserting “or other identifiable geographic unit indicating whether broadband service is available and the number of providers that offer service to customers in each census tract.”; in line 25, by striking “(3)” and inserting “(2)”;

in line 26, after the semicolon by inserting “and”; by striking all in lines 27 through 32 and inserting “the geographic area or census tract where broadband service is available.”; by striking all in lines 41 through 43;

On page 3, by striking all in line 1; in line 2, by striking “(e)” and inserting “(d)”;

in line 9, by striking all after “deployment”; in line 10, by striking “area”; in line 11, by striking the comma where it appears the third time; by striking all in line 12; in line 13, by striking all before “shall”; in line 17, by striking “or the com-”; in line 18, by striking “mission”; in line 22, by striking “The” and inserting “In consultation with the division of information systems and communications in the department of administration, the”; in line 35, by striking “The” and inserting “In consultation with the division of information systems and communications in the department of administration, the”;

On page 4, after line 17, by inserting the following:

“(d) No more than one provider per census tract or other geographic unit shall receive a grant under this program.

(e) Unless there are extenuating circumstances, as defined by the department in rules and regulations, if deployment has not begun within 12 months of the date the grant is awarded, the grant recipient shall repay the grant advanced with interest as determined by the department.”;

Also on page 4, in line 19, by striking “and the commission”; in line 24, after the period by inserting “The report shall include, but not be limited to, the amount of grants granted to each provider and the number of customers subsequently able to receive broadband service as a result of those grants.”;

In the title, in line 9, by striking all after the semicolon; in line 10, by striking “tion commission”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2721** be amended on page 13, preceding line 8, by inserting the following:

“Sec. 4. K.S.A. 65-1904b is hereby amended to read as follows: 65-1904b. (a) Upon application to the Kansas state board of cosmetology on a form provided for application for a cosmetologist, esthetician or electrologist license, accompanied by the application fee, a person practicing as a cosmetologist, esthetician or electrologist under the laws of another state or jurisdiction shall be granted a license entitling the person to practice in this state if:

(1) The person is not less than 17 years of age and a graduate of an accredited high school, or equivalent thereof;

(2) the person submits to the board verification of date of birth; *and*

~~(3) the person submits to the board a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the person is free from infectious or contagious disease, and~~

~~(4) (3) the person holds a current license in another state in the area of practice in which the person seeks a license and meets at least one of the following criteria:~~

(A) The person passes a written and a practical examination administered by the board relating to the area of practice in which the person seeks a license; or

(B) the person has the number of hours of training required for licensure in this state and passes the written examination administered for license renewal under subsection (a) of K.S.A. 65-1904, and amendments thereto.

(b) The renewal of a license issued pursuant to this section shall be in the manner provided in K.S.A. 65-1904, and amendments thereto.

Sec. 5. K.S.A. 65-1905 is hereby amended to read as follows: 65-1905. (a) All examinations held or conducted by the board shall be in accordance with rules and regulations adopted by the board. The examinations shall include a written test administered at the completion of 1,000 hours of training. If the applicant has attended a licensed school electing to base the course of instruction and practice on credit hours as provided in K.S.A. 65-1903, and amendments thereto, the written test shall be administered at the completion of the credit hours which are the equivalent of 1,000 clock hours under the formula for conversion used by the licensed school. A practical test may be administered prior to licensure. Examinations to qualify for an instructor's license shall be limited to written tests.

(b) Each applicant for licensure by examination shall:

(1) Be at least 17 years of age;

(2) be a graduate of an accredited high school, or equivalent thereof. The provisions of this paragraph shall not apply to any applicant who was at least 25 years of age and licensed as an apprentice on May 21, 1998;

(3) submit to the board verification of date of birth; *and*

~~(4) submit to the board a written statement from a person licensed to practice medicine and surgery under the laws of any state showing that the applicant is free from contagious and infectious diseases, and~~

~~(5) (4) have served as an apprentice for the period of time provided by K.S.A. 65-1912, and amendments thereto.~~

(c) Any person making application who apparently possesses the necessary qualifications to take an examination provided herein, upon application and payment of the nonrefundable temporary permit fee, may be issued a temporary permit by the board to practice cosmetology until the next regular examination conducted by the board.”;

And by renumbering the remaining sections accordingly;

On page 21, by striking all in lines 6 and 7 and inserting the following:

“(1) The application and application fee;

(2) the renewal fee;

(3) the delinquent fee; and”;

And by renumbering the remaining subsections accordingly;

Also on page 21, in line 10, before the semicolon by inserting “. The continuing education hours shall have been obtained within two months of the submission of the application and fees”; in line 11, by striking “non-refundable”; in line 16, by striking “non-refundable”; preceding line 20, by inserting the following:

“(f) All application, renewal and delinquent fees shall be non-refundable.”;

On page 22, in line 19, by striking all after “practicing”; in line 20, by striking all before “shall” and inserting “tattoo artists, cosmetic tattoo artists and body piercers”;

On page 26, in line 29, preceding “65-1906” by inserting “65-1904b, 65-1905.”;

In the title, in line 10, preceding “65-1906” by inserting “65-1904b, 65-1905.”; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2691, HB 2781 reported correctly engrossed February 22, 2008.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, February 26, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

