

Journal of the House

FORTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 8, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 124 members present.
Rep. Weber was excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Kibum Kim, associate pastor, First United Methodist Church, Topeka:

God of love and peace, the author of all creation, you grace the earth with rain and sunshine, and we see the rainbow and realize yet again how great you are. It has different colors in it, yet they are in beautiful harmony.

We understand that it is the way you created us also. We are different: men and women, young and old, tall and short, good looking and not so good looking, right and left. Indeed all the people are different, and we give you thanks for that.

Yes, there are times when we are in conflict. Often we don't understand and appreciate those who have different beliefs. Yet, you call us together to work in harmony: different but one, as elected servants of this great state, like the rainbow.

Inspire us to know your will, and open our ears to hear the voice of your people. Bless us and strengthen us as we begin this day the work for you and for your people.

You, O God, are the God of love, who loves all, and the God of peace who brings us together in spite of differences. Let there be harmony in your wonderful creation. Amen.

The Pledge of Allegiance was led by Rep. Holland.

INTRODUCTION OF GUESTS

Rep. Proehl introduced Oren Lee Gray, Sr., a former member of the House of Representatives, and presented him with a certificate. He served in the House for eight years: District 24 from 1965-66, and District 6 from 1967-72. He was accompanied to the House by his son, Lee Gray, and his granddaughter, Heidi Hellwig.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and concurrent resolution were introduced and read by title:

HB 3006, An act concerning the state board of education; relating to school districts; relating to the administrative reorganization thereof; relating to the appointment of superintendents; amending K.S.A. 72-8202b and repealing the existing section, by Committee on Appropriations.

HB 3007, An act concerning state educational institutions under the control and supervision of the state board of regents; relating to interest earnings on moneys in certain special revenue funds; amending K.S.A. 76-719 and K.S.A. 2005 Supp. 76-762 and repealing the existing sections, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5042

By Committee on Appropriations

A CONCURRENT RESOLUTION urging support of the "25 by '25" initiative.

WHEREAS, Having an affordable, reliable and plentiful energy supply is critical to our economy, as well as our national and international food supply; and

WHEREAS, Current and future risks to United States energy security are mounting while domestic and global energy demands are growing exponentially; and

WHEREAS, Kansas and the midwest have tremendous renewable energy resources; and

WHEREAS, The development of a broad spectrum of renewable energy sources, including wind power, biodiesel, biomass, methane digesters, ethanol and solar, benefits the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

WHEREAS, Rural communities and agriculture sectors will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating value-added uses for crops, livestock and their byproducts, increasing productive use of marginal lands, resolving air, water and soil quality problems that may arise from agricultural operations, improving wildlife habitat and creating many new job opportunities; and

WHEREAS, Solar and wind energy can be captured on the vast land areas managed by United States agriculture through current technological and production capabilities. This will allow America's farmers and ranchers to play a major role in ensuring a fully sustainable United States energy system; and

WHEREAS, American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions and with appropriate technological innovation, incentives and investments, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs; and

WHEREAS, "25 by '25" is an agriculturally led initiative that envisions America's farms and ranches producing 25% of America's energy demand by the year 2025 while continuing to produce abundant, safe and affordable food and fiber; and

WHEREAS, Agriculture's role as an energy producer will have a positive effect on national security and trade imbalances, and will serve as a catalyst for rural development in Kansas: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Legislature of the State of Kansas supports the vision of "25 by '25" whereby agriculture will provide 25% of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe and affordable food and fiber; and

Be it further resolved: That the Secretary of State be directed to send enrolled copies of this resolution to each member of the Kansas Congressional Delegation, the President of the United States, the Majority Leader and Minority Leader of the United States Senate, the Speaker, Majority Leader and Minority Leader of the United States House of Representatives, and the Ag Energy Work Group.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 3000, HB 3005.**

Commerce and Labor: **HB 3004.**

Financial Institutions: **HB 3003.**

Governmental Organization and Elections: **HB 3001.**

Taxation: **HB 3002.**

COMMUNICATIONS FROM STATE OFFICERS

From Gary J. Daniels, Secretary, Social and Rehabilitation Services, 2006-2007 Business Plan, January 2006.

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

CONSENT CALENDAR

Objection was made to **SB 448** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 354, SB 500, SB 550** appearing on the Consent Calendar for the first day.

No objection was made to **SB 392** appearing on the Consent Calendar for the second day.

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Pauls in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Pauls, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 496** be passed.

SB 346 be passed over and retain a place on the calendar.

On motion of Rep. Gatewood, **HB 2640** be amended on page 7, in line 28, by striking "are not reim-"; in line 29, by striking "bursed by a third party that"; in line 30, after "sale" by inserting ". Discounts shall include any coupon or similar indication of value or rebate used to reduce the price paid by a purchaser for tangible personal property whether or not the stated value thereof is reimbursed to the seller by a third party"; in line 36, after the stricken material, by inserting "and"; in line 39, by striking "; and"; by striking all in lines 40 and 41; in line 42, by striking all before the period; and the bill be passed as amended.

Committee report to **HB 2497** be adopted; also, on motion of Rep. Bethell be amended on page 2, in line 33, by striking all following "records"; in line 34, by striking "tion purposes and"; preceding line 37, by inserting:

"(e) In accordance with the provisions of this subsection (e), the secretary is authorized to conduct national criminal history record checks to determine criminal history on persons residing, working or regularly volunteering in a child care facility or family day care home. In order to conduct a national criminal history check the secretary shall require fingerprinting for identification and determination of criminal history. The secretary shall submit the fingerprints to the Kansas bureau of investigation and to the federal bureau of investigation and receive a reply to enable the secretary to verify the identity of such person and whether such person has been convicted of any crime that would prohibit such person from residing, working or regularly volunteering in a child care facility or family day care home. The secretary is authorized to use information obtained from the national criminal history record check to determine such person's fitness to reside, work or regularly volunteer in a child care facility or family day care home.";

By relettering the remaining subsections accordingly;

On page 3, preceding line 7, by inserting:

"(h) In regard to Kansas issued criminal history records:";

Also on page 3, in line 7, by striking "(g)"; in line 27, following "information" by inserting "on a need to know basis"; in line 33, by striking "(g)(5)" and inserting "(h)(5)";

Also, on motion of Rep. Pilcher-Cook to amend **HB 2497**, Rep. Bethell requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane. Rep. Pilcher-Cook challenged the ruling, the question being "Shall the Rules Chair be sustained?" The Rules Chair was sustained; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 515** 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 **SB 271** be amended on page 4, after line 31, by inserting the following:

“Sec. 3. K.S.A. 2005 Supp. 79-1437f is hereby amended to read as follows: 79-1437f. Except as otherwise provided by K.S.A. 79-1460, and amendments thereto, contents of the real estate sales validation questionnaire shall be made available only to the following people for the purposes listed hereafter:

(a) County officials for cooperating with and assisting the director of property valuation in developing the information as provided for in K.S.A. 79-1487, and amendments thereto;

(b) any property owner, or the owner’s representative, for prosecuting an appeal of the valuation of such owner’s property or for determining whether to make such an appeal, but access shall be limited to the contents of those questionnaires concerning the same constitutionally prescribed subclass of property as that of such owner’s property;

(c) the county appraiser and appraisers employed by the county for the appraisal of property located within the county;

(d) appraisers licensed or certified pursuant to K.S.A. 58-4101 et seq., and amendments thereto, for appraisal of property and preparation of appraisal reports;

(e) financial institutions for conducting appraisals and evaluations as required by federal and state regulators;

(f) the county appraiser or the appraiser’s designee, hearing officers or panels appointed pursuant to K.S.A. 79-1602 or 79-1611, and amendments thereto, and the state board of tax appeals for conducting valuation appeal proceedings;

(g) the board of county commissioners for conducting any of the board’s statutorily prescribed duties; ~~and~~

(h) the director of property valuation for conducting any of the director’s statutorily prescribed duties; *and*

(i) a person licensed pursuant to the real estate brokers’ and salespersons’ act for purposes of fulfilling their fiduciary duties to clients and providing information on market value of property to clients.”;

And by renumbering sections accordingly;

Also on page 4, in line 32, after “58-3063” by inserting “and K.S.A. 2005 Supp. 79-1437f”;

On page 1, in the title, in line 14, before “amending” by inserting “concerning real estate sales valuation questionnaires; concerning real estate.”; also in line 14, after “58-3063” by inserting “and K.S.A. 2005 Supp. 79-1437f”; and the bill be passed as amended.

Committee on **Education** recommends **SB 329** be passed.

Committee on **Environment** recommends **SB 362** be amended on page 10, in line 9, by striking all after the period and inserting “If the applicant does not own the land, the applicant shall also provide proof that the applicant has acquired and duly recorded an easement to the landfill property. The easement shall authorize the applicant to carry out landfill operations, closure, post-closure care, monitoring, and all related construction activities on the landfill property as required by applicable solid waste laws and regulations, as established in permit conditions, or as ordered or directed by the secretary. Such easement shall run with the land if the landfill property is transferred and the easement may only be vacated with the consent of the secretary. These requirements”; and the bill be passed as amended.

Committee on **Government Organization and Elections** recommends **SB 336** be amended on page 2, in line 25, by striking “13” and inserting “15”; in line 43, by striking “and”; after line 43 by inserting the following:

“(10) one member of the agricultural industry appointed by the governor;

(11) the state archivist or the archivist’s designee; and”;

On page 3, in line 1, by striking “(10)” and inserting “(12)”; and the bill be passed as amended.

Committee on **Insurance** recommends **SB 405** 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 **Taxation** recommends **HB 2080** be amended by substituting a new bill to be designated as “Substitute for HOUSE BILL No. 2080,” as follows:

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“Substitute for HOUSE BILL No. 2080

By Committee on Taxation

“AN ACT concerning sales taxation; relating to exemptions; compliance requirements for public libraries; amending K.S.A. 2005 Supp. 79-3606 and 79-3692 and repealing the existing sections.”; and the substitute bill be passed.

(**Sub. HB 2080** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 554** be passed.

COMMITTEE ASSIGNMENT CHANGE

Speaker pro tem Merrick announced that Rep. Flaharty would replace Rep. Winn on Select Committee on School Finance beginning on March 9.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, March 9, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

