

Journal of the House

SIXTEENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, January 31, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Reps. Beamer and Faust-Goudeau were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Ronald L. Schultz, pastor, Crestview United Methodist Church, Topeka:

Gracious God, we come before you this morning with thankful hearts. We ask that your blessings be upon this dedicated body of men and women who have been elected to serve the people of Kansas, your people.

We ask that your presence fill this chamber and that the representatives be open to your direction as you guide them through this busy day. Guide the men and women meeting in this chamber in all the decisions that are made today and in the days to come. Help those representatives who are faithfully serving the people of the State of Kansas to see the needs of the people. Give special insight to those who lead this House as they face their responsibility.

Finally, we pray affirming that everyone who serves in this House of Representatives will be able to leave here today knowing the satisfaction and the joy of having served willingly and well.

Bless this House of Representatives' session today. In the name of our Lord, Amen.

The Pledge of Allegiance was led by Rep. Ballard.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2769, An act concerning crimes, punishment and criminal procedure; relating to sex offenders; amending K.S.A. 21-3603 and K.S.A. 2005 Supp. 21-4603d and repealing the existing section, by Representative Mast.

HB 2770, An act concerning the courts; relating to the court of appeals; appointment of judges; amending K.S.A. 20-3010 and K.S.A. 2005 Supp. 20-3002 and 20-3006 and repealing the existing sections; also repealing K.S.A. 20-3007, 20-3008 and 20-3009 and K.S.A. 2005 Supp. 20-3004 and 20-3005, by Representative Kinzer.

HB 2771, An act concerning licensing of insurance agents; pertaining to certain states' license revocation for nonpayment of income tax; amending K.S.A. 2005 Supp. 40-4906 and 40-4909 and repealing the existing sections, by Committee on Insurance.

HB 2772, An act concerning employment security law; relating to the employment relationship between an owner-operator and a licensed motor carrier, by Committee on Commerce and Labor.

HB 2773, An act concerning consumer protection; relating to automatic renewals, by Representative Watkins.

HB 2774, An act concerning schools; relating to courses of instruction; amending K.S.A. 21-4301a and repealing the existing section, by Committee on Federal and State Affairs.

Because of a clerical error, Rep. Huff's name was omitted as a sponsor on **HB 2716** and, there being no objection, is now added.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2763**.
 Appropriations: **HB 2762, HB 2766**.
 Federal and State Affairs: **HB 2764**.
 Governmental Organization and Elections: **HB 2759**.
 Judiciary: **HB 2760, HB 2761**.
 Taxation: **HB 2767, HB 2768**.
 Select Committee on School Finance: **HB 2765**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 334**.

Also, the Senate nonconcur in House amendments to **SB 164**, requests a conference and has appointed Senators Huelskamp, O'Connor and Betts as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2129** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 334.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 164**.

Speaker Mays thereupon appointed Reps. Vickrey, Huebert and Sawyer as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **HB 2581, HB 2691, HB 2692** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2602** 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 2602, An act relating to energy conservation projects of technical and community colleges; amending K.S.A. 2005 Supp. 75-37,125 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Beamer, Faust-Goudeau.

The bill passed.

HB 2555, An act concerning crimes, punishment and criminal procedure; relating to the criminal justice recodification, rehabilitation and restoration committee; amending K.S.A. 2005 Supp. 22-5101 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Beamer, Faust-Goudeau.

The bill passed.

HB 2608, An act concerning the Kansas health policy authority; relating to administrative hearings; amending K.S.A. 2005 Supp. 75-37,121, 75-7413 and 75-7414 and repealing the existing sections, was considered on final action.

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

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Beamer, Faust-Goudeau.

The bill passed.

HB 2609, An act concerning small claims; relating to forms; amending K.S.A. 61-2707 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps,

Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Beamer, Faust-Goudeau.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2628, HB 2631, HB 2662, HB 2663, HB 2629, HB 2630** be passed.

Committee report to **HB 2604** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **HB 2574** be passed.

Committee on **Commerce and Labor** recommends **HB 2560** 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 2698** be passed.

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 2775, An act concerning nonresident tuition; fees and charges at state educational institutions, by Committee on Higher Education.

HB 2776, An act concerning elections; relating to voter identification; amending K.S.A. 25-2354 and K.S.A. 2005 Supp. 25-1122, 25-1122d, 25-1123 and 25-2908 and repealing the existing sections, by Committee on Governmental Organizations and Elections.

HB 2777, An act concerning municipal courts; relating to the accused person's competency to stand trial, by Representative Owens.

HB 2778, An act concerning water; relating to the preservation of Cedar Bluff reservoir; also relating to the water stored therein, by Committee on Appropriations.

HB 2779, An act concerning the civil commitment of sexually violent predators; relating to transitional and conditional release; amending K.S.A. 59-29a02, 59-29a07 and 59-29a11 and repealing the existing sections, by Committee on Judiciary.

HB 2780, An act concerning motor vehicles; relating to traffic cases; amending K.S.A. 8-2115 and K.S.A. 2005 Supp. 8-2110 and repealing the existing sections, by Committee on Judiciary.

HB 2781, An act concerning driver's licenses; relating to administrative hearings; amending K.S.A. 8-1020 and repealing the existing section, by Committee on Judiciary.

HB 2782, An act concerning wildlife; relating to destruction of prairie dogs by authorization of townships; repealing K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, by Committee on Agriculture.

HB 2783, An act concerning wildlife; relating to prairie dogs; management and control; repealing K.S.A. 80-1201, 80-1202, 80-1203, 80-1204, 80-1205, 80-1206, 80-1207 and 80-1208, by Committee on Agriculture.

HB 2784, An act concerning the minimum wage and maximum hours law; increasing the minimum wage; amending K.S.A. 44-1203 and repealing the existing section, by Committee on Economic Development.

HB 2785, An act concerning certain child care facilities; pertaining to day care facilities; amending K.S.A. 65-504 and repealing the existing section, by Representative Judy Morrison.

HB 2786, An act repealing K.S.A. 2005 Supp. 75-3317a, 75-3319a, 75-3320a and 75-3322a; concerning state procurement; relating to state purchase of products by certain qualified vendors, by Committee on Appropriations.

APPOINTMENT OF SELECT COMMITTEE

In accordance with House Rule 1103, the Select Committee on Veterans' Affairs is established. Members of the committee are: Tafanelli, Chair; M. Holmes, Vice Chair; Brown, Burgess, Grange, Kelley; Ruff, Ranking Minority Member; Peterson and Ruiz.

REPORT ON ENROLLED BILLS

HB 2398 reported correctly enrolled, properly signed and presented to the governor on January 31, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 1, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

