

Journal of the House

FORTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 15, 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. Grant and Winn were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Charlie Robinson, Northridge Church, Sabetha, and guest of Rep. Lukert:

God, Thank you for the privilege of being here among so many people dedicated to serving. It seems strange writing this prayer and then reading it to you today. I want to be sincere and truly ask for your blessing upon this place and each person. I want each one here to experience your presence and your wisdom as they make so many decisions affecting so many lives. I ask that you enable them as much as possible to be focused on the needs of others and that their self sacrificing spirit may be contagious across this great state of Kansas. So God, I ask that you will give them the strength that they need to do that which you have called them to do. I ask this in the name of your son Jesus, Amen.

The Pledge of Allegiance was led by Rep. Carlson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 3013**, **HB 3014**.

Education: **HB 3012**.

COMMUNICATIONS FROM STATE OFFICERS

From Board of Indigents' Defense Services, Annual Report, Fiscal Year 2005.

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 497** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **SB 495** appearing on the Consent Calendar for the first day.

No objection was made to **SB 453** 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

SB 453, An act concerning environmental laws; relating to compliance audit privilege; immunity; lesser penalties for violations; amending K.S.A. 60-3332, 60-3333, 60-3334, 60-3336, 60-3338 and 60-3339 and K.S.A. 2005 Supp. 45-229 and repealing the existing sections; also repealing K.S.A. 60-3335, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, 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, Treaster, Trimmer, Vickrey, Ward, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Watkins, Winn.

The bill passed.

H. Sub. for SB 207. An act concerning insurance; relating to fraud prevention; amending K.S.A. 40-2,118 and 40-2,119 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, 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, Treaster, Trimmer, Vickrey, Ward, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Watkins, Winn.

The substitute bill passed, as amended.

SB 461. An act concerning workers compensation; relating to preexisting condition; permanent partial general disability; amending K.S.A. 44-510e and K.S.A. 2005 Supp. 44-501 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 67; Nays 56; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Carlson, Carter, Colloton, Cox, Craft, Dahl, Decker, Edmonds, Faber, Freeborn, George, Gordon, Grange, Hayzlett, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Mast, Masterson, Mays, McCreary, McLeland, Merrick, F. Miller, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Peck, Pilcher-Cook, Pottorff, Powell, Roth, Schwab, Schwartz, S. Sharp, Siegfried, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Nays: Ballard, Burgess, Burroughs, Carlin, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, Goico, Hawk, Henderson, Henry, Hill, Holland, Horst, Hutchins, Kirk, Kuether, Lane, Loganbill, Long, Loyd, Lukert, Mah, McKinney, Menghini, M. Miller, Jim Morrison, Judy Morrison, Pauls, Peterson, Phelps, Pow-

ers, Proehl, Ruff, Ruiz, Sawyer, B. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Williams.

Present but not voting: None.

Absent or not voting: Grant, Winn.

The bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: **SB 461** was not a decision made without some reservation. Many of my constituents voiced their disapproval, but I believe the benefit of the bill is not only good for business, but also for employees. Business owners do not make Workers comp contributions out of their own pockets; rather it really must be justified by the toil of the employee. This means it is really the employee who pays. Unfair abuse of preexisting conditions in the end hurts the protection of those who have legitimate job related injuries. For this reason I vote yes on **SB 461**.—C. FRANK MILLER

MR. SPEAKER: To my fellow Chamber members, do you recall how we clamored for the passage of **SB 181** in 2004? Having endured two years without the touted benefits in **SB 181**, are we better or worse off. My business is better and my workers comp costs are down.

My fellow legislators, in spite of my pro-business bias, I am concerned about the unintended consequences of **SB 461**. Issues related to pre-existing conditions need to be addressed but I believe **SB 461** reaches too far. I am concerned that uncertainty and litigation will increase small business costs. We can do better. I vote no on **SB 461**.—DON HILL, WARD LOYD, MARIO GOICO

MR. SPEAKER: I have yet to find anyone in the body look me in the eye and admit **SB 461** is not a political game. When we use our political wiles to make someone look bad and we use our voters as the pawns to do it; this is diabolic.

Representative David Heinemann and company did workers compensation right in 1994. Now we make our vets less than non-coms, our firefighters with a short hose and our workers without a shovel. Just to get a veto! Today, 3/15/06 is the Ides of March. Don't turn a shovel into a dagger. Et Tu, Brute!! I vote no on **SB 461**.—TED POWERS

MR. SPEAKER: I vote NO on **SB 461**. When firefighters and police officers are hurt at work, they will now be faced with proving a preexisting condition should not be counted against them. With this legislation first responders must defend themselves against asymptomatic and undiagnosed ailments claimed by doctors hired by insurance companies. Adding insult to injury, our military veterans returning from Iraq may someday face proving the hardships their bodies endured in war should not be counted as preexisting conditions.

Draconian and unfair, **SB 461** makes Kansas workers disposable.—L. CANDY RUFF, ED TRIMMER, OLETHA FAUST-GOUDEAU, TOM HOLLAND, ANN MAH, TOM THULL, BRODERICK HENDERSON, JULIE MENGHINI, GERALDINE FLAHERTY

MR. SPEAKER: I vote yes on **SB 461**. If this bill becomes law, injured workers will continue to receive one hundred percent of their medical care paid for by their employers and receive their full temporary disability while they recover.

The only difference is they will only receive restitution for the percentage of bodily injury that was caused by the workplace accident as opposed to businesses having to compensate people for injuries that are unrelated to their workplace injury.

This bill returns common sense and fairness to the system for employers, while continuing to protect injured workers.—KASHA KELLEY, MIKE KIEGERL, STEVE HUEBERT, STEPHANIE SHARP, PEGGY MAST, BONNIE HUY

MR. SPEAKER: In 1911, Kansas was the third state to create workers compensation legislation. Passage of the statute was urged by Kansas employers, not employees. Legislation could have been titled, the "employers protection from liability act" as opposed to workers compensation. Employers indicated the law was a tradeoff and would be good for the overall workforce, and indicated there would always be fairness in the system.

SB 461 is only about benefit reduction for injured workers and their families. Kansas enjoys some of the lowest premiums in the nation and employees have some of the lowest benefits in the nation. This bill is unconscionable and I vote no.—SYDNEY CARLIN, SUE STORM, LOUIS RUIZ

MR. SPEAKER: I vote yes on **SB 461**. As a former businessman I am aware that the employer pays all the cost of workman's compensation insurance for the benefit of their employees. Therefore, the employer should be protected from increased cost due to pre-existing conditions.—BILL MCCREARY

MR. SPEAKER: While this is a close issue I am persuaded by the case law that this bill is largely a clarification of the law. In *Watkins v. Food Barn*, the Kansas Court of Appeals makes clear that it is not a departure from traditional workers compensation doctrine for disability benefits to be denied where a claimant was laid off for economic reasons. The case of *Robles v. Continental Western (Workers Comp. Appeals Board)* clarifies that allowing consideration of unrated pre-existing injuries is also not a radical departure from existing law. Given my current understanding of these points I vote yes on **SB 461**.—LANCE KINZER

MR. SPEAKER: I vote No on **SB 461**. Voting on this bill has been extremely painful. It literally pitted one group of friends against the other. While I believe there are areas of worker's compensation that need to be changed, this bill has too many broad statements about how worker's compensation would be "reformed." The proponents and the opponents seem to disagree on what these statements mean, let alone what the impact will be. Also, there is always room for good faith negotiations; however, I see no evidence of such an effort taking place which is also quite troubling.—DEENA HORST

MR. SPEAKER: **SB 461** states an award of compensation shall be reduced by a preexisting condition "whether or not a rateable impairment contributed to the disability" and states that an employee shall not receive general disability if separated from employment for economic reasons.

An injured worker's compensation is reduced for a condition that didn't contribute to the disability; what little payment received is lost when the company goes through layoffs. This hardworking Kansan is left with reduced ability to get another job and no disability payment.

This will most impact those we look to for protection: our veterans, firefighters, nurses, oil field and agribusiness workers.

I vote No.—DENNIS MCKINNEY

MR. SPEAKER: I vote No on **SB 461**.

Following World War II, the state of Kansas set up a Second Injury Fund to encourage employers to hire workers who had been injured in the war. This fund continued until 1993 when Kansas, as part of a Worker's Comp Reform bill, abolished the Second Injury Fund for most purposes. This was done at the request of employers. A compromise was reached in 1993 to insure that prior injuries that had not been documented or treated would not reduce a worker's monetary recovery when reinjured. Now that protection for workers is abolished, and that previous compromise agreement is broken.—JANICE L. PAULS

PROTEST

MR. SPEAKER: This protest of **SB 461** is submitted pursuant to our Kansas Constitution, Article 2, Section 10.

- Kansas employers pay the 6th lowest workers compensation insurance premiums in the U.S.

- Kansas employees receive the 4th lowest workers compensation benefits in the U.S.

- Kansas is 6th in profitability for insurance companies on workers compensation in the U.S.

- Kansas' employer premium rates have been falling for a decade, are now \$100 million lower than in 1993, and in 2006 dropped another 2%.

If **SB 461** were to become law, workers comp costs to the state (small business premium payors) will assuredly increase, as the ALJs are already backlogged with cases, so additional ALJs will have to be authorized and hired to handle the increased caseload.

Insurance companies will want to litigate every injury for a sign of a preexisting injury whether or not it has been previously compensated, and whether it contributed to the accident or had any bearing on the outcome of the case. The bill even uses the language, "whether or not a rateable impairment . . . contributed to the injury." Thus, the insurance company will not need a doctor's opinion to litigate the issue.

Under current law a worker cannot recover for aggravation of preexisting condition, except to the extent the work-related injury causes increased disability; under **SB 461** work

disability would be measured by the extent to which worker has lost the ability to perform work tasks the worker performed in any gainful employment during the 5-yr period prior to the work injury. That sounds too much like determining benefits by the extent to which an older worker's body has worn out.

If **SB 461** were to become law, a worker terminated from the job for "economic reasons," a brand new term carefully not defined, would have benefits limited and/or reduced.

Not one of my constituents, including none of those who own and operate businesses, contacted me in support of **SB 461**, while a number of constituents, both employers and workers, voiced opposition. All things considered, no case has been made for revision of current law. Thus, I vote no on **SB 461**.—WARD LOYD

PROTEST

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- Kansas employers pay the 6th lowest workers compensation insurance premiums in the U.S.
- Kansas employees receive the 4th lowest workers compensation benefits in the U.S.
- Kansas is 6th in profitability for insurance companies on workers compensation in the U.S.
- Kansas' employer premium rates have been falling for a decade, are now \$100 million lower than in 1993, and in 2006 dropped another 2%.

If **S.B. 461** were to become law, workers comp costs to the state (small business premium payors) will assuredly increase, as the ALJs are already backlogged with cases, so additional ALJs will have to be authorized and hired to handle the increased caseload.

Insurance companies will want to litigate every injury for a sign of a preexisting injury whether or not it has been previously compensated, and whether it contributed to the accident or had any bearing on the outcome of the case. The bill even uses the language, "whether or not a rateable impairment . . . contributed to the injury." Thus, the insurance company will not need a doctor's opinion to litigate the issue.

Under current law a worker cannot recover for aggravation of preexisting condition, except to the extent the work-related injury causes increased disability; under **S.B. 461** work disability would be measured by the extent to which worker has lost the ability to perform work tasks the worker performed in any gainful employment during the 5-yr period prior to the work injury. That sounds too much like determining benefits by the extent to which an older worker's body has worn out.

If **SB 461** were to become law, a worker terminated from the job for "economic reasons," a brand new term carefully not defined, would have benefits limited and/or reduced.

One of my constituents, who own and operate a business, contacted me in support of **SB 461**, while a number of constituents, both employers and workers, voiced opposition. All things considered, no case has been made for revision of current law. Thus, I vote no on **SB 461**.—RICH PROEHL

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2610**, An act concerning civil procedure; relating to service outside the state; jurisdiction; amending K.S.A. 60-308 and repealing the existing section.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, 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, 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, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treasurer, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Grant, Huebert, Judy Morrison, S. Sharp, Winn.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2548** be passed.

SB 336; HB 2345 be passed over and retain a place on the calendar.

Committee report to **SB 481** be adopted; also, on motion of Rep. Gatewood be amended on page 8, following line 16, by inserting:

“New Sec. 8. (a) As used in this section:

(1) “School district” means unified school district No. 404, unified school district No. 493, unified school district No. 499 and unified school district No. 508.

(2) “Property” means any property, and improvements thereon, comprising a racetrack gaming facility or lottery gaming facility under the Kansas expanded lottery act located in Cherokee county.

(3) “State aid” means general state aid, supplemental general state aid, capital improvements state aid, capital outlay state aid and any other state aid paid, distributed or allocated to school districts under the school district finance and quality performance act or other law, and any other state aid paid, distributed or allocated to school districts on the basis of the assessed valuation of school districts.

(b) For the purposes of computing the assessed valuation of school districts for the payment, distribution or allocation of state aid and the levying of school taxes, $\frac{1}{4}$ of the assessed valuation of such property shall be assigned to each of the school districts.

(c) The provisions of this section shall not apply if the property is not or ceases to be used as a racetrack gaming facility or lottery gaming facility under the Kansas expanded lottery act.”;

By renumbering sections accordingly;

In the title, in line 13, following the semicolon, by inserting “relating to the assessed valuation of districts;” and **SB 481** be passed as amended

Committee report to **SB 362** be adopted; and the bill be passed as amended.

Committee report to **HB 2746** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2513** be adopted; and the substitute bill be passed.

Committee report to **HB 2577** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 480** be amended on page 2, in line 16, by striking “Brown” and inserting “Bowin”;

On page 3, in line 4, after the comma by inserting “Warren”; in line 41, by striking “County Rd.” and inserting “Road”;

On page 4, in line 19, by striking all after “College”;

On page 5, in line 35, by striking “Moonlight” and inserting “Moonlight”;

On page 7, in line 22, after the period by inserting “Jr.”;

On page 8, by striking all in line 2 and inserting “1131 160th Rd.”; by striking all in line 5 and inserting “1582 115th St.”; in line 32, after “Navajo” by inserting “Dr.”;

On page 9, by striking all in line 35 and inserting “PO Box 219”;

On page 12, in line 42, before “facility” by inserting “mental health”;

On page 13, in line 17, after “facilities” by inserting “operations”;

On page 16, after line 25, by inserting the following:

“Sec. 9 The department of agriculture is hereby authorized and directed to pay the following amount from the operating expenditures account of the state general fund as reimbursement for damages incurred by claimant when unleaded gasoline was mistakenly returned to an underground diesel tank following an inspection, to the following claimant:

Mike Frisch
6432 E. Central
Wichita, KS 67206 \$4,228.79

Provided, That the secretary of agriculture shall make efforts to recoup the amount of this claim from the contractor who mistakenly returned the unleaded gasoline to the underground diesel tank.”;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2532** be amended on page 1, in line 21, by striking “or (18)” and inserting “, (18), (20), (22) or (23)”; and the bill be passed as amended.

Committee on **Taxation** recommends **HB 2972** 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 **Transportation** recommends **SB 35** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 35,” as follows:

“HOUSE Substitute for SENATE BILL No. 35
By Committee on Transportation

“AN ACT relating to conveyance of railroad right-of-way by a railroad company; amending K.S.A. 2005 Supp. 66-525 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 35** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 76** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 76,” as follows:

“HOUSE Substitute for SENATE BILL No. 76
By Committee on Transportation

“AN ACT relating to work-site utility vehicles; concerning the regulation thereof; amending K.S.A. 2005 Supp. 8-126, 8-197, 8-198 and 79-3606 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 76** was thereupon introduced and read by title.)

Committee on **Transportation** recommends **SB 374** be amended on page 2, in line 5, by striking “safe and stable” and inserting “the”; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6019
By Select Committee on School Finance

A RESOLUTION memorializing the United States Congress, the United States Department of Education and the Kansas State Board of Education concerning the No Child Left Behind Act.

WHEREAS, The Kansas House of Representatives believes that the federal mandate of no child left behind has caused undue pressure and unfair criticism of the students, teachers and administrators of our Kansas schools; and

WHEREAS, Everyone hopes that every child will attain 100% proficiency in their studies, but it is the belief of the Kansas House of Representatives that the establishment of the deadline that by 2014 100% proficiency will be met by all students in the areas the federal government has deemed appropriate is unreasonable and unacceptable; and

WHEREAS, Kansas students have high test scores that continue to rise. Each school in the state has met accreditation standards, and progress is being made in closing achievement gaps. The federal government has created a system for schools, teachers and students to be

labeled as failures while every measure of improvement is showing that improvement is being accomplished; and

WHEREAS, The Kansas House of Representatives requests that the Kansas State Board of Education not adopt the federal mandate of 100% proficiency by the 2014 deadline. The Kansas House of Representatives requests that the Kansas State Board of Education create a mechanism of performance targets in reading, writing, mathematics, history, government and science that will help students achieve 100% of their potential. The Kansas House of Representatives commends the state board of education for unanimously voting to develop a student longitudinal data base; and

WHEREAS, The people of the state of Kansas believe in a quality education for every child. Kansas has maintained and will continue to maintain high expectations for its educational system. The Kansas House of Representatives believes it is demeaning to have a system whereby a student, teacher or school is deemed a failure, and that the federal government is being unreasonable in its refusal to modify the No Child Left Behind Act: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we urge the United States Department of Education, the Kansas State Board of Education and the Congress of the United States to address the issues contained in this resolution, and to make changes and permit flexibility that will ensure success for schools, teachers and students; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the President of the United States, the Secretary of the United States Department of Education, the President pro tempore of the United States Senate, the Speaker of the United States House of Representatives, each member of the Kansas legislative delegation and the Chairperson of the Kansas State Board of Education.

REPORT ON ENROLLED RESOLUTIONS

HR 6018 reported correctly enrolled and properly signed on March 15, 2006.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Thursday, March 16, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

