

Journal of the House

TWELFTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, January 24, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker Neufeld in the chair.
The roll was called with 122 members present.
Reps. Ballard, Colyer and Mast were excused on legislative business.

Prayer by Chaplain Brubaker:

Dear God,

The bills are coming in at a rapid pace — appropriations, education, taxation, healthcare. These bills affect all Kansans — from the farmer in western Kansas to the CEO in Johnson County — from the professor in Manhattan to the small business owner in Derby. Lord, please help us remember that this is not about position, power, or political party...but about people. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2176, An act concerning wards and guardians; relating to the duties and powers of guardians; concerning nutrition and hydration; amending K.S.A. 59-3051 and 59-3075 and repealing the existing sections, by Representative Kinzer.

HB 2177, An act concerning certain automated telephone calls; pertaining to the use of automated telephone calls for political purposes; amending K.S.A. 50-670 and repealing the existing section, by Representative Patton.

HB 2178, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; postretirement benefit adjustment, by Representatives Lane, Ballard, Burgess, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Gordon, Grant, Henderson, Henry, Hill, Holland, Horst, Kelsey, Kuether, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Jim Morrison, Judy Morrison, Neighbor, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powers, Proehl, Rardin, Ruff, Ruiz, Sawyer, Sharp, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Williams, Winn and K. Wolf.

HB 2179, An act relating to gift certificates and gift cards; concerning certain exceptions; amending K.S.A. 2006 Supp. 50-6,108 and repealing the existing section, by Representative Trimmer.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Commerce and Labor: **HB 2165**.

Economic Development and Tourism: **HB 2170**.

Elections and Governmental Organization: **HB 2173**.

Energy and Utilities: **HB 2169**.

Federal and State Affairs: **HB 2163**.
 Health and Human Services: **HB 2162, HB 2174**.
 Insurance and Financial Institutions: **HB 2172**.
 Judiciary: **HB 2161, HB 2166, HB 2167**.
 Taxation: **HB 2171**.
 Transportation: **HB 2160, HB 2164**.
 Agriculture and Natural Resources Budget: **HB 2168**.
 Education Budget: **HB 2159, HB 2175**.

COMMUNICATIONS FROM STATE OFFICERS

From Sandy Praeger, Commissioner of Insurance, in accordance with K.S.A. 44-566(a), The Kansas Workers' compensation Fund, Year End Report, 2006.

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

MESSAGE FROM THE SENATE

Announcing passage of **SB 62, SB 63, SB 72**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon introduced and read by title:

SB 62, SB 63, SB 72.

CONSENT CALENDAR

No objection was made to **HB 2005** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2041** 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 2041, An act designating a part of United States highway 24, United States highway 59 and K-92 as the 95th division, the iron men of Metz highway; amending K.S.A. 2006 Supp. 68-1060 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Collyer, Goico, Mast.

The bill passed.

HB 2002, an act concerning wildlife and parks; relating to the Kansas wildlife and parks commission; amending K.S.A. 32-805 and repealing the existing section, 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, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, 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, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Collyer, Mast.

The bill passed, as amended.

HB 2019. An act concerning elections; relating to advance voting; amending K.S.A. 2006 Supp. 25-1122 and repealing the existing section, 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, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, 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, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Collyer, Mast.

The bill passed.

SB 30. An act making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012; establishing the keeping education promises trust fund and the regents crumbling classrooms debt payment fund; transferring moneys from the state general fund to such funds and restricting certain expenditures or transfers of certain moneys during certain fiscal years, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 17; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelsey, King, Knox, Landwehr, Lane, Light, Loganbill, Long, Lukert, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz,

Sloan, Spalding, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Brown, Dillmore, Hill, Hodge, Huntington, Kelley, Kiegerl, Kinzer, Kuether, Mah, Owens, Sharp, Siegfried, Storm, Swenson, Wilk, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Collyer, Mast.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We vote no on **SB 30** because it sets aside money for a K-12 funding plan that is fundamentally flawed. While the plan may satisfy a capricious court, it is wholly unsatisfactory to those who believe in local control, rational distribution of funds, and fiscal responsibility. Under this plan Johnson County will provide 1/3rd of the money, educate 1/5th of the kids and receive less than 1/10th of state dollars. This plan is the unacceptable result of legislative obsequiousness to education policy by judicial fiat. We can and should do better.—LANCE KINZER, ANTHONY R. BROWN, BEN HODGE, ARLEN SIEGFREID, MIKE KIEGERL

MR. SPEAKER: When **SB 30** came across the rotunda we looked forward to an effective way to demonstrate our fiscally responsible commitment to funding our obligation to K-12 for the full three years.

What we are voting on today is something quite different.

Mr. Speaker and colleagues: May we avoid working bills in committee the same day they have hearings? May we bring issues to the floor after they have been studied in committee? May we focus on responsible public policy rather than gotcha politics? May we reserve our omnibus appropriation activity, committing \$100's of millions to the end of the session? We vote NO on **SB 30**.—DON HILL, ANN MAH, KENNY WILK

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **HB 2013, HB 2048** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2021** be amended on page 1, in line 13, following “transfer” by inserting “all or any portion of”; in line 15, by striking “a” and inserting “any of the following: (1) A”; in line 16, by striking all following “which”; in line 17, by striking “(1) The corporation”; in line 19, preceding the semicolon, by inserting “which is located within the same county as the township”; also in line 19, by striking “and” where it appears the second time and inserting “or”; in line 20, by striking all following “(2)”; in line 21, by striking all preceding the period and inserting “any political or taxing subdivision located within the same county as the township”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2071** 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 and concurrent resolution were thereupon introduced and read by title:

HB 2180, An act concerning the behavioral sciences regulatory board; relating to rules and regulations authority; amending K.S.A. 2006 Supp. 74-7507 and repealing the existing section, by Committee on Health and Human Services.

HB 2181, An act concerning social workers; relating to hours of continuing education needed for license reinstatement; amending K.S.A. 65-6313 and repealing the existing section, by Committee on Health and Human Services.

HB 2182, An act concerning the behavioral sciences regulatory board; relating to temporary permits to practice for out-of-state licensees; amending K.S.A. 65-5812 and 74-5316 and repealing the existing sections; also repealing K.S.A. 74-5345, by Committee on Health and Human Services.

HB 2183, An act concerning the governor; relating to travel on state aircraft; amending K.S.A. 2006 Supp. 74-2105 and repealing the existing section, by Committee on Appropriations.

HB 2184, An act concerning water; providing for establishment of the upper Arkansas river conservation reserve enhancement program, by Committee on Appropriations.

HB 2185, An act concerning colleges and universities; relating to fees and tuition; amending K.S.A. 2006 Supp. 76-729 and repealing the existing section; also repealing K.S.A. 2006 Supp. 76-729a, by Committee on Education.

HB 2186, An act concerning adoptions; relating to advertising and placing children; prescribing certain restrictions and requirements; amending K.S.A. 59-2123 and repealing the existing section, by Committee on Judiciary.

HB 2187, An act concerning civil procedure; relating to depositions; amending K.S.A. 60-230 and repealing the existing section, by Committee on Judiciary.

HB 2188, An act concerning civil procedure; relating to medical and professional malpractice screening panels; amending K.S.A. 60-3502, 60-3503, 60-3505, 60-3508, 60-3509, 65-4901, 65-4902, 65-4904, 65-4907 and 65-4908 and repealing the existing sections, by Committee on Judiciary.

HB 2189, An act concerning attorney fees; amending K.S.A. 40-908 and repealing the existing section, by Committee on Judiciary.

HB 2190, An act concerning the department of corrections; relating to discretion of the secretary of corrections to dismiss violations of conditional release; amending K.S.A. 2006 Supp. 75-5217 and repealing the existing section, by Committee on Judiciary.

HB 2191, An act concerning crimes, criminal procedure and punishment; relating to unlawful sexual relations; amending K.S.A. 2006 Supp. 21-3520 and repealing the existing section, by Committee on Judiciary.

HB 2192, An act concerning civil procedure; relating to child support; amending K.S.A. 2006 Supp. 60-1610 and repealing the existing section, by Committee on Judiciary.

HB 2193, An act concerning crimes, criminal procedure and punishment; relating to sentencing; amending K.S.A. 2006 Supp. 21-4603d and repealing the existing section, by Committee on Judiciary.

HB 2194, An act amending the KAN-ED act; relating to certain criminal justice agencies; amending K.S.A. 2006 Supp. 75-7222, 75-7223 and 75-7224 and repealing the existing sections, by Committee on Energy and Utilities.

HB 2195, An act regulating traffic; concerning certain right-of-way violations; providing increased penalties; amending K.S.A. 2006 Supp. 8-255 and repealing the existing section, by Committee on Transportation.

HB 2196, An act regulating traffic; concerning driving in the right lane; amending K.S.A. 8-1522 and repealing the existing section, by Committee on Transportation.

HB 2197, An act concerning campaign finance; relating to corrupt political advertising; amending K.S.A. 25-4156 and repealing the existing section, by Committee on Elections and Governmental Organization.

HB 2198, An act concerning certain automated telephone calls; pertaining to the use of automated telephone calls for political purposes; amending K.S.A. 50-670 and repealing the existing section, by Committee on Elections and Governmental Organization.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Representative Goico

A CONCURRENT RESOLUTION supporting Wichita State University for full reaccreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools.

WHEREAS, Wichita State University has a century-long history of providing excellent higher learning experiences for Kansas students and responding to changing workforce needs, most recently in the fields of nursing and dental hygiene;

WHEREAS, Wichita State University has a unique and essential mission in the Kansas system of higher education as an urban serving research university, which has developed an alternative teacher certification program to increase the supply of public school teachers

and which partners with local organizations to increase the number of minority health care providers;

WHEREAS, Wichita State University makes a significant contribution to the economic development of the state of Kansas through its teaching, research, and public service functions including the work of the National Institute for Aviation Research and research on the development of innovative applications of composite materials;

WHEREAS, Wichita State University is positioned to enhance its future contributions to the cultural, economic and social development of the diverse metropolitan community and of the state of Kansas through projects such as the university's Self-Help Network's capacity-building in faith-based and nonprofit agencies throughout the state of Kansas; and

WHEREAS, Wichita State University has demonstrated its commitment to accountability to the taxpayers of Kansas by assessing student learning and participating in performance agreements with the Kansas Board of Regents: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the Kansas Legislature supports Wichita State University for full reaccreditation by the Higher Learning Commission of the North Central Association of Colleges and Schools.

Be it further resolved: That, the Secretary of State be directed to send an enrolled copy of this resolution to the president of Wichita State University.

APPOINTMENT OF SELECT COMMITTEE

January 22, 2007

Ms. Janet Jones
Chief Clerk of the House
Statehouse, Room 477-W
Topeka, Kansas 66612

Dear Janet:

In accordance with House Rule 1103 of the Rules of the Kansas House of Representatives, I have established the Select Committee on the State Employee Pay Plan as a nine member committee, and have appointed the following members:

George, Chairman; Tafanelli, Vice-Chairman; Burgess, Grange, Pottorff and Roth.

Most sincerely,
Melvin Neufeld
Speaker of the House

January 24, 2007

Speaker Melvin Neufeld
State Capitol, Room 380-W
Topeka KS 66612

Dear Speaker Neufeld:

The following are my appointments for House Select Committee on State Employee Pay Plan.

Ranking Democrat: Tom Hawk; Stan Frownfelter, Ann Mah

Please let me know if you have any questions.

Sincerely,
Rep. Dennis McKinney
116th District, Greensburg

REPORT ON ENGROSSED BILLS

HB 2002 reported correctly engrossed January 23, 2007.

JANUARY 24, 2007

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On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, January 25, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

