

Journal of the House

TWENTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 7, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Powers was excused on verified illness.

Prayer by guest chaplain, Lt. Col. D. Erich Schwartz, Deputy Installation Chaplain, Fort Riley:

Almighty God: Throughout the history of Kansas, you have blessed our state with great resources, including faithful men and women, boys and girls. Guide us always to use wisely the resources that you entrust to our care.

I praise you for the Representatives who accept our call to lead this great State, and I pray that they will always be receptive to your holy will as they serve our citizens.

I also thank you for the men and women who serve in our military and all who strive for peace and justice here in Kansas and throughout the world. I ask your rich blessings upon them and the families who support our efforts to promote the peace that you want all your people to celebrate.

We pause now, O merciful God, to honor our military men and women — past and present — who help to keep Kansas a great state in which to live. Thank you for hearing us as we silently approach your throne of grace. Amen.

The Pledge of Allegiance was led by Rep. Wetta.

INTRODUCTION OF GUESTS

In recognition of Armed Forces Appreciation Day, Rep. Craft introduced Major General Carter F. Ham, who assumed command of the 1st Infantry Division at Fort Riley, August 1, 2006.

General Carter addressed a few remarks to the members of the House, thanking Kansans for their support of the military.

COMMUNICATIONS

February 7, 2007

Honorable Melvin Neufeld
Speaker of the Kansas House of Representatives
State Capitol
Topeka, Kansas

Dear Speaker Neufeld:

Thank you for your efforts and for those of the Select Committee on Contested Election to resolve the issues clouding the election result in District 16.

It is an unfortunate set of circumstances that led this matter to be before the Kansas House of Representatives in the first place. Circumstances which, with greater diligence at the county level, could have been avoided. Instead, the legitimacy of the election of either

party to this contest will remain forever in question and, regrettably, a cloud of doubt will forever hang over the result.

I appreciate the Select Committee's examination of the issues raised. Both the Committee and the District Court found illegal ballots were cast in the District 16 race, as well as a failure to follow statutory procedures by the Johnson County Election Commissioner and Board of Canvassers. Such deviations from statute impaired both the evidence available to the Committee and any determination with certainty of the true outcome of the election. However, the Committee has, after exercising its best efforts with the evidence available to it, reached its conclusion. I respect the Committee process.

I have been told that, despite the conclusion of the committee, I might prevail in this contest if it were brought to the House floor. However, I believe that such an exercise, regardless of outcome, in today's political climate, would likely impede the thoughtful deliberation of other important matters before this body. Rather, this matter should be used as a case study for the House to consider needed reforms to State election laws, and to emphasize to appointed and elected officials presiding over the election and canvassing processes the importance of diligence and adherence to Kansas law in the execution of their respective duties.

Therefore, in the best interest of all Kansans, I hereby withdraw my contest of this election, and I hereby congratulate Representative Rardin on his appointment to the House.

Sincerely,
John Dennis Kriegshauser

There being no objection, the following remarks of Rep. Rardin are spread upon the journal.

Thank you Mr. Speaker and fellow representatives. I would like to thank Mr. Kriegshauser for his letter putting an end to further action in connection with this very long election process which began on November 7th. I would like to thank everyone who supported me during this very difficult period of time. I want to especially thank all the members of the Select Committee for the fair and impartial manner in which they heard both sides in the contest and arrived at a decision which followed the facts of the case and affirmed the results of the earlier certifications and court decisions.

It will be my great honor to serve the people of the 16th District here in the Kansas House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2420, An act concerning school districts; relating to school finance; relating to special education; amending K.S.A. 2006 Supp. 72-978 and repealing the existing section, by Committee on Appropriations.

HB 2421, An act relating to the Kansas army and air national guard; concerning certain death benefits; amending K.S.A. 48-282 and repealing the existing section, by Committee on Appropriations.

HB 2422, An act concerning the Kansas state schools for the blind and the deaf; relating to the rates of compensation for teachers employed thereby, by Committee on Appropriations.

HB 2423, An act creating the task force on obesity prevention and management, by Committee on Appropriations.

HB 2424, An act concerning the Kansas sports hall of fame; relating to funding therefor, by Committee on Appropriations.

HB 2425, An act concerning state educational institutions; 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 Veterans, Military and Homeland Security.

HB 2426, An act relating to the Kansas national guard; concerning hunting and fishing licenses; license plates and Kansas income taxes; amending K.S.A. 8-177a and K.S.A. 2006 Supp. 32-930 and repealing the existing sections, by Committee on Veterans, Military and Homeland Security.

HB 2427, An act relating to veterans; enacting the Kansas returning heroes' education act, by Committee on Veterans, Military and Homeland Security.

HB 2428, An act concerning retirement and pensions; relating to members of legislature; vesting; benefits and contributions, determination; rate of compensation; amending K.S.A. 74-4917 and K.S.A. 2006 Supp. 74-4992 and 74-4995 and repealing the existing sections, by Representative Otto.

HB 2429, An act concerning energy and reclamation research; creating the Kansas energy enhancement and environmental reclamation fund; providing for funding of research in and development of reclamation technologies and practices and energy production technologies, by Committee on Energy and Utilities.

HB 2430, An act concerning taxation; relating to homestead property tax refunds; determination of amount of claim; maximum refund; amending K.S.A. 79-4509 and K.S.A. 2006 Supp. 79-4508 and repealing the existing sections, by Committee on Taxation.

HB 2431, An act concerning taxation; relating to imposition of transient guest tax on certain activities of the Kansas department of wildlife and parks; amending K.S.A. 12-1692 and 12-1696 and repealing the existing sections, by Committee on Taxation.

HB 2432, An act concerning taxation; relating to the franchise tax; rates; phase out; amending K.S.A. 2006 Supp. 79-5401 and repealing the existing section, by Committee on Taxation.

HB 2433, An act concerning the Kansas estate tax act; relating to rates of tax; estates subject to tax; amending K.S.A. 2006 Supp. 79-15,203 and repealing the existing section, by Committee on Taxation.

HB 2434, An act concerning property taxation; relating to growth in assessed valuation; authorizing certain interlocal cooperation agreements, provisions, by Committee on Taxation.

HB 2435, An act concerning sales taxation; relating to exemptions; certain organizations exempt from federal income taxation; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

HB 2436, An act concerning school districts; relating to special education; amending K.S.A. 2006 Supp. 72-962 and repealing the existing section, by Representatives Merrick and Judy Morrison.

HB 2437, An act concerning big game permits; relating to nonresident deer permits; amending K.S.A. 2006 Supp. 32-937 and repealing the existing section, by Committee on Agriculture and Natural Resources.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2411**.

Education: **HB 2397, HB 2398, HB 2399**.

Elections and Governmental Organization: **HB 2407, HB 2408, HB 2409, HB 2410**.

Energy and Utilities: **HB 2405, HB 2406, HB 2419**.

Federal and State Affairs: **HB 2403, HB 2412**.

Health and Human Services: **HB 2401, HB 2414, HB 2416, HB 2417, HB 2418**.

Insurance and Financial Institutions: **HB 2413**.

Judiciary: **HB 2415**.

Taxation: **HB 2404**.

Transportation: **HB 2400**.

Education Budget: **HB 2402**.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2134** from Committee on Health and Human Services and rereferral to Committee on Appropriations.

COMMUNICATIONS FROM STATE OFFICERS

From Roger Werholtz, Chair, Kansas Criminal Justice Coordinating Council, Statewide Automated Victim Information & Notification Task Group, January 2007 Report to the Senate Judiciary Committee.

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

MESSAGES FROM THE SENATE

Announcing passage of **SB 8, SB 19, SB 51, SB 57, SB 108, SB 111, SB 112, SB 164**.
 Announcing passage of **HB 2041**.
 Announcing adoption of **SCR 1603, SCR 1604**.
 Also, announcing passage of **SB 67, SB 75; Sub. SB 82; SB 95, SB 105, SB 109, SB 153, SB 252**.
 Announcing passage of **HB 2002**.
 Announcing adoption of **SCR 1606**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 8, SB 19, SB 51, SB 57, SB 67, SB 75; Sub. SB 82; SB 95, SB 105, SB 108, SB 109, SB 111, SB 112, SB 153, SB 164, SB 252; SCR 1603, SCR 1604, SCR 1606.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Merrick, **HR 6007**, by Reps. Merrick and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6007—

A RESOLUTION observing February 7 as Armed Forces Appreciation Day.

WHEREAS, The State of Kansas has a proud tradition of military service to the nation, both in times of war and peace, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, Guardsmen, reservists and active duty personnel from across Kansas are currently supporting operations in Iraq, Kuwait, Afghanistan, Kosovo, Bosnia-Herzegovina and other places around the world, while their families unselfishly endure on the homefront; and

WHEREAS, Members of the armed forces fought for and provided the independence under which our country was conceived, and have continued for over 230 years to protect the freedom we enjoy; and

WHEREAS, The State of Kansas recognizes the significant impact the armed forces has on the State's history and the continued economic and social contributions the armed forces provide for Kansas; and

WHEREAS, It is important to maintain close and effective cooperation among the various military installations, state and local governments and the private sector to facilitate the enhancement and continued strengthening of these facilities: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we express our appreciation for those currently serving in all branches of the service, the National Guard and Reserve Forces plus military retirees and veterans, and recognize their dedicated service to this state and nation by observing February 7 as Armed Forces Appreciation Day.

Reps. Merrick and McKinney honored all the members of the House who had served in the military and thanked them for their service to the country.

CONSENT CALENDAR

No objection was made to **HB 2115, HB 2208, HB 2232, HB 2233** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2220** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2181, HB 2182** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, 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, Pottorff, Powell, 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: Powers.

The bill passed.

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, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, 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, Pottorff, Powell, 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: Powers.

The bill passed.

HB 2036, An act concerning thermal efficiency of buildings; relating to the applicable standards; relating to certain required disclosures; amending K.S.A. 66-1227 and 66-1228 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 7; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, 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, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Sharp, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Siegfried, Watkins.

Present but not voting: None.

Absent or not voting: Powers.

The bill passed, as amended.

Sub. HB 2067. An act relating to the Kansas commission on veterans affairs; relating to employees thereof; amending K.S.A. 73-1210a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, 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, Pottorff, Powell, 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: Powers.

The substitute bill passed.

HB 2112. An act concerning insurance companies; relating to corporate seals; amending K.S.A. 40-218 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 7; Present but not voting: 1; Absent or not voting: 1.

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

Nays: Feuerborn, Henry, Lane, McKinney, McLachlan, Phelps, Ward.

Present but not voting: Landwehr.

Absent or not voting: Powers.

The bill passed.

SB 33, An act relating to surplus property and public airport authorities; amending K.S.A. 27-323 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, 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, Pottorff, Powell, 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: Powers.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HCR 5009** be adopted.

Committee report to **HB 2073** be adopted; also, on motion of Rep. Burroughs be amended on page 2, after line 3, by inserting the following:

"Sec. 2. K.S.A. 20-3127 is hereby amended to read as follows: 20-3127. (a) *Except as provided further*, all fees collected pursuant to K.S.A. 20-3126, and amendments thereto, shall be used to establish and maintain the county law library. A board of trustees, appointed as provided in this section, shall have the management and control of such library and shall use the fees paid for registration, and all other sums, books, or library materials or equipment donated or provided by law, for the purpose of establishing and maintaining such library in the county courthouse or other suitable place to be provided and maintained by the county commissioners of such county. The district judge or district judges of the district court, members of the bar who have registered and paid the fee provided for in K.S.A. 20-3126, and amendments thereto, judges of all other courts in the county and county officials shall have the right to use the library in accordance with the rules and regulations established by the board of trustees. The board of trustees shall develop guidelines to provide members of the public reasonable access to the law library.

(b) The board of trustees of any law library established or governed under this act, and amendments thereto, in Johnson and Sedgwick counties shall consist of five members, two of which shall be judges of the district court, appointed by a consensus of all judges of the district court in those counties, and three of which shall be members of the Johnson or Sedgwick county bar association, appointed by selection of the county bar association pursuant to the Johnson or Sedgwick county bar association's bylaws for two-year terms. The board of trustees of the law library in all other counties shall consist of the district judge or judges of the district court presiding in such county and not less than two attorneys who shall be elected for two-year terms by a majority of the attorneys residing in the county.

(c) The clerk of the district court of the county shall be treasurer of the library and shall safely keep the funds of such library and disburse them as the trustees shall direct. The clerk shall be liable on an official bond for any failure, refusal or neglect in performing such duties.

(d) The board of county commissioners of any county designated an urban area pursuant to K.S.A. 19-2654, and amendments thereto, wherein an election has been held to come under the provisions of this act is hereby authorized to appoint, by and with the advice and consent of the board of trustees of the law library of such county, a librarian, who shall act as custodian of the law library of such county and shall assist in the performance of the clerk's duties as treasurer thereof, and such assistants as are necessary to perform the duties of administering the law library. The librarian and any assistants so appointed shall be employees of the county under the supervision of the board of county commissioners, or the board's designated official, with the advice and recommendations of the board of trustees of the law library, and shall be subject to the personnel policies and procedures established by the board of county commissioners for all employees of the county. The librarian and any assistants shall receive as compensation such salaries and benefits as established by the law library board of trustees, subject to the approval of the board of county commissioners, which shall be payable from the general fund of the county, through the county payroll process, from funds budgeted and made available by the law library board of trustees for that purpose through the collection of fees or other funds authorized by this act.

(e) All attorneys registered under this act shall not be liable to pay any occupational tax or city license fees levied under the laws of this state by any municipality.

(f) *The board of trustees of the law library in Wyandotte county may expend any fees collected for the benefit of the law library to advance and improve the existing technology in the law library and the courtrooms in Wyandotte county.*;

And by renumbering the remaining sections accordingly;

Also on page 2, in line 4, after "Sec. 2." by inserting "K.S.A. 20-3127 and"; also in line 4, by striking "is" and inserting "are";

On page 1, in the title, in line 11, after "amending" by inserting "K.S.A. 20-3127 and"; in line 12, by striking "section" and inserting "sections"; and **HB 2073** be passed as amended.

Committee report to **HB 2303** be adopted; and the bill be passed as amended.

Committee report to **HR 6004** be adopted; also, on motion of Rep. Feuerborn be amended on page 9, in line 41, after "(a)" by inserting "A committee shall not take action to report a bill out of committee on the same day that the committee holds a hearing on the bill unless the committee approves such action by a two-thirds vote.

(b);

On page 10, in line 6, by striking "(b)" and inserting "(c)"; in line 8, by striking "(c)" and inserting "(d)"; and **HR 6004** be adopted as amended.

Committee report to **HCR 5003** be adopted; also, on motion of Rep. Peck to amend, the motion did not prevail and the resolution be adopted as amended.

Committee report to **HB 2058** be adopted; also, on motion of Rep. Otto to amend, the motion did not prevail and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **HB 2303**; **HCR 5009** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2303, An act creating the Kansas national bio and agro defense facility interagency working group act, 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: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Mer-

rick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: Aurand, Landwehr, Powers.

The bill passed, as amended.

HCR 5009, A concurrent resolution pledging the Kansas Legislature's support for the National Bio and Agrodefense Facility and urging the United States Department of Homeland Security, the United States Department of Agriculture, the United States Department of Health and Human Services, President Bush, the Kansas Congressional Delegation and others to consider two sites in Kansas as the location for this new federal laboratory, 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: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, 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, 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, Pottorff, Powell, 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: Aurand, Powers.

The resolution was adopted.

REPORTS OF STANDING COMMITTEES

Committee on **Education Budget** recommends **HB 2016** 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 **Elections and Governmental Organization** recommends **HB 2081**, **HB 2217** be passed and, because the committee is of the opinion that the bills are of a noncontroversial nature, be placed on the consent calendar.

Committee on **Insurance and Financial Institutions** recommends **HB 2106** be passed.

Committee on **Insurance and Financial Institutions** recommends **HB 2108** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2108," as follows:

"Substitute for HOUSE BILL No. 2108

By Committee on Insurance and Financial Institutions

"AN ACT relating to insurance; concerning unfair trade practices."; and the substitute bill be passed.

(Sub. **HB 2108** was thereupon introduced and read by title.)

Committee on **Insurance and Financial Institutions** recommends **HB 2111** be amended on page 1, in line 22, by striking all after "rules"; in line 23, by striking all before the period; and the bill be passed as amended.

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 2438, An act concerning food service establishments; relating to licensure exception for occasional sale or serving of food; amending K.S.A. 2006 Supp. 36-503 and repealing the existing section, by Committee on Agriculture and Natural Resources.

HB 2439, An act enacting the Kansas film production tax credit act, by Committee on Economic Development and Tourism.

HB 2440, An act enacting the Kansas film production investor tax credit act, by Committee on Economic Development and Tourism.

HB 2441, An act enacting the Kansas film production sales and use tax rebate act, by Committee on Economic Development and Tourism.

HB 2442, An act concerning school districts; relating to teachers' contracts; amending K.S.A. 72-5411 and repealing the existing section, by Committee on Education.

HB 2443, An act concerning motor vehicles; relating to leaving the scene of an accident; amending K.S.A. 2006 Supp. 8-1602 and repealing the existing section, by Representative Holland.

HB 2444, An act concerning restrictions on persons maintaining, residing, working or volunteering at child care facilities or family day care homes; amending K.S.A. 2006 Supp. 65-516 and repealing the existing section; also repealing K.S.A. 2006 Supp. 65-516a, by Committee on Health and Human Services.

HB 2445, An act concerning homeowners' associations; relating to certain duties and required procedures, by Representatives Huntington, Watkins and K. Wolf.

HB 2446, An act concerning crimes and punishments; relating to DNA testing of death row inmates, by Committee on Appropriations.

HB 2447, An act concerning charitable organizations; relating to exemptions from registration; amending K.S.A. 17-1762 and repealing the existing section, by Representative Yoder.

HB 2448, An act concerning telecommunications; establishing the wireless high speed internet service grant program, by Representative Holland.

HB 2449, An act concerning the Kansas state high school activities association; relating to the powers and duties thereof, by Committee on Federal and State Affairs.

HB 2450, An act concerning school districts; relating to compliance with federal requirements; relating to school finance, by Committee on Federal and State Affairs.

HB 2451, An act concerning child support enforcement; relating to medical support and fees; amending K.S.A. 23-4,119 and K.S.A. 2006 Supp. 39-756 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 39-756b, by Committee on Federal and State Affairs.

HB 2452, An act concerning elections; relating to voting equipment; amending K.S.A. 25-4405, 25-4406, 25-4604 and 25-4613 and repealing the existing sections, by Committee on Federal and State Affairs.

HB 2453, An act repealing K.S.A. 12-2536, 12-2537, 12-2538, 12-2539 and 12-2540; concerning the Kansas and Missouri metropolitan culture district compact, by Committee on Federal and State Affairs.

HB 2454, An act concerning abortion; amending K.S.A. 65-6709 and repealing the existing section, by Committee on Federal and State Affairs.

HB 2455, An act concerning children; relating to the interstate compact on placement of children, by Committee on Federal and State Affairs.

HB 2456, An act concerning the employment security law; relating to contribution rates; amending K.S.A. 2006 Supp. 44-710a and repealing the existing section, by Committee on Federal and State Affairs.

HB 2457, An act relating to public finance; creating the Kansas taxpayer transparency act; defining terms; requiring the secretary of administration to develop and operate a specified website; enumerating information which shall be made available on such website;

establishing a time period covered for information on such website; requiring specified agencies to provide certain information; providing for nondisclosure of certain information; amending K.S.A. 2006 Supp. 75-5133 and repealing the existing section, by Representatives Kelley, Beamer, Bowers, Brunk, Burgess, Dahl, Donohoe, George, Goico, Gordon, Grange, Hayzlett, Huntington, Kelsey, Kiegerl, King, Kinzer, Landwehr, Mast, Masterson, Merrick, Metsker, Judy Morrison, Jim Morrison, O'Neal, Otto, Peck, Rhoades, Siegfried, Swanson, Vickrey, Watkins, K. Wolf and Yoder.

HB 2458, An act concerning cities; authority over nuisance; amending K.S.A. 12-1617f, 12-1751, 12-1752, 12-1753 and 12-1755 and K.S.A. 2006 Supp. 12-1617e and 12-1750 and repealing the existing sections, by Committee on Judiciary.

HB 2459, An act concerning schools and school districts; relating to character development programs; relating to the duties of the state board of education, by Representative Kelley.

HB 2460, An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, for the attorney general — Kansas bureau of investigation; relating to a grant program for construction of a crime lab for Johnson county, Kansas; authorizing certain transfers and imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, by Representative Kiegerl.

HB 2461, An act relating to eminent domain; concerning blighted property; amending K.S.A. 2006 Supp. 26-501b and repealing the existing section, by Representative Burroughs.

HB 2462, An act authorizing the secretary of wildlife and parks to convey all rights, title and interest to certain described real estate in Miami county, Kansas, by Committee on Appropriations.

HB 2463, An act concerning crimes, criminal procedure and punishment; relating to unlawful hosting of minors; amending K.S.A. 2006 Supp. 21-3610c and repealing the existing section, by Representatives Hill and Kinzer.

HB 2464, An act concerning libraries; amending K.S.A. 12-1232 and repealing the existing section, by Committee on Appropriations.

COMMITTEE ASSIGNMENT CHANGES

Speaker pro tem Dahl announced Rep. Vickrey is appointed to replace Rep. Powers on Committee on Education; Rep. Dahl is appointed to replace Rep. Powers on Committee on Elections and Governmental Organization; Rep. Merrick is appointed to replace Rep. Powers on Committee on Federal and State Affairs.

On motion of Rep. Merrick, the House recessed until 4:30 p.m.

LATE AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2465, An act establishing a district attorney's office in Cowley county; amending K.S.A. 2006 Supp. 22a-107 and repealing the existing section, by Representative Kelley.

HB 2466, An act concerning taxation; imposing an excise tax on certain commercial establishments, businesses and individuals which provide sexually explicit products and services; prescribing certain powers and duties for the director of taxation, by Representatives Kelley, Bowers, Colloton, Goico, King, Kinzer, Mast, Masterson, Merrick, Metsker, Judy Morrison, Jim Morrison, Otto, Peck, Rhoades, Siegfried and Vickrey.

HB 2467, An act concerning income taxation; relating to credits; property tax paid by certain taxpayers, by Representative Patton.

HB 2468, An act concerning the Kansas public employees retirement system; relating to investment standards; prohibited investments; divestment, conditions and procedures, by

Representatives Davis, Brown, Brunk, Dillmore, Goico, Kelley, Kelsey, Kinzer, Knox, Lane, Mast, Siegfried, Svaty and Watkins.

HB 2469, An act relating to education training programs; establishing the education training programs fund; making and concerning appropriations for the department of education for the fiscal year ending June 30, 2008, by Committee on Appropriations.

HB 2470, An act concerning the Kansas statehouse; relating to the tiered floor in the chamber of the house of representatives; prescribing the retention and maintenance of the tiered floor in such chamber; amending K.S.A. 2006 Supp. 75-2262 and repealing the existing section, by Representatives Gordon, Ballard, Beamer, Bowers, Brunk, Burgess, Carlin, Colloton, Craft, Crow, Crum, Dahl, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Fund, Garcia, Gatewood, George, Goico, Grange, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Mast, McLachlan, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Otto, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Sharp, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf and Worley.

HB 2471, An act concerning media advertising by state agencies; requiring inclusion of a statement regarding the source of funding therefor; prescribing powers, duties and functions for the secretary of administration, by Representative Kelley.

HB 2472, An act providing for establishment of a voluntary data bank of available interpreters for certain purposes and development of qualifications for interpreters, by Representative Garcia.

HB 2473, An act concerning crimes, criminal procedure and punishment; relating to stalking; amending K.S.A. 60-31a06 and K.S.A. 2006 Supp. 75-52,148 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 21-3438, by Representative Kelley.

HB 2474, An act amending the fair credit reporting act; relating to placing a security freeze on consumer reports; amending K.S.A. 2006 Supp. 50-702 and 50-723 and repealing the existing sections, by Representatives Crow and Carlin, Colloton, Craft, Davis, Dillmore, Feuerborn, Flaharty, Goico, Goyle, Henderson, Kuether, Lane, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Myers, Neighbor, Palmer, Pauls, Phelps, Rardin, Ruff, Spalding, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Wetta and Winn.

HB 2475, An act concerning fireworks; enacting the Kansas fireworks act, by Committee on Federal and State Affairs.

HB 2476, An act concerning certain energy; relating to certain fuel storage and blending equipment; concerning certain income tax credits, income tax deductions and property tax exemptions; amending K.S.A. 2006 Supp. 79-32,117, 79-32,120 and 79-32,138 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 79-32,117, by Committee on Energy and Utilities.

REPORT ON ENGROSSED BILLS

HB 2036 reported correctly engrossed February 6, 2007.

Also, **HB 2058**, **HB 2073**, **HB 2303** reported correctly engrossed February 7, 2007.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5003 reported correctly engrossed February 7, 2007.

HR 6004 reported correctly engrossed February 7, 2007.

REPORT ON ENROLLED RESOLUTIONS

HCR 5007 reported correctly enrolled and properly signed on February 7, 2007.

HR 6005 reported correctly enrolled and properly signed on February 7, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Thursday, February 8, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

