

# Journal of the House

TWENTY-NINTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, February 16, 2007, 11:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.  
The roll was called with 112 members present.  
Reps. Aurand, Huntington, Kiegerl, Neufeld, Powers and Sloan were excused on verified illness.  
Reps. George, Horst and Pottorff were excused on legislative business.  
Reps. Colyer, O'Neal, Sawyer and Shultz were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father, I come to you today on behalf of our representatives. We have had some long busy days with early trips to Topeka, long late night drives home, and intense mental and emotional stress throughout the day. With the cold weather and strenuous hours, the winter crud has settled on several. Plus some are having other physical problems. Lord, please touch each one physically. May this weekend bring some renewal and healing of body and mind. I pray that each one will avail of your offer of "Come to me, all you who are weary and burdened, and I will give you rest." (Mt. 11:28) In the name of Jesus Christ I pray, Amen.

The Pledge of Allegiance was led by Rep. Huebert.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2534.** An act concerning roads and highways; requiring direct access from highways on the state highway system, by Committee on Appropriations.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were referred to committees as indicated:

Health and Human Services: **HB 2531.**

Judiciary: **HB 2530.**

Taxation: **HB 2529, HB 2532.**

Education Budget: **HB 2533.**

## CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **HB 2526** from Committee on Agriculture and Natural Resources and referral to Committee on Energy and Utilities.

Also, the withdrawal of **HB 2341** from Committee on Health and Human Services and referral to Committee on Federal and State Affairs.

Also, the withdrawal of **HB 2507** from Committee on Economic Development and Tourism and referral to Committee on Appropriations.

**MESSAGES FROM THE SENATE**

Announcing passage of **SB 11, SB 52, SB 53, SB 54, SB 55, SB 58, SB 85, SB 127, SB 188.**

Also, announcing passage of **SB 35, SB 49, SB 56, SB 103, SB 113, SB 118, SB 138, SB 157, SB 159, SB 162, SB 166, SB 169, SB 198, SB 204, SB 239.**

**INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS**

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

**SB 11, SB 35, SB 49, SB 52, SB 53, SB 54, SB 55, SB 56, SB 58, SB 85, SB 103, SB 113, SB 118, SB 127, SB 138, SB 157, SB 159, SB 162, SB 166, SB 169, SB 188, SB 198, SB 204, SB 239.**

**CONSENT CALENDAR**

No objection was made to **HB 2307** 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**

Speaker pro tem Dahl announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

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

**COMMITTEE OF THE WHOLE**

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

Recommended that committee report to **HB 2270** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2035** be adopted; also, on motion of Rep. Olson be amended on page 3, in line 29, by striking "property" and inserting "regulated scrap metal"; also in line 29, by striking "prop-"; in line 30, by striking "erty," and inserting "regulated scrap metal"; also in line 30, by striking "property", where it appears for the first time, and inserting "regulated scrap metal"; also in line 30, by striking "property" where it appears for the second time, and inserting "regulated scrap metal"; in line 32, by striking "property" and inserting "regulated scrap metal"; in line 39, by striking "property" and inserting "regulated scrap metal"; and the substitute bill be passed as amended.

Committee report to **HB 2332** be adopted; and the bill be passed as amended.

**REPORTS OF STANDING COMMITTEES**

Committee on **Agriculture and Natural Resources** recommends **HB 2294** 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 **Appropriations** recommends **HB 2368** be amended on page 1, in line 15, by striking "year" and inserting "years"; also in line 15, by striking "2008, 2009"; in line 16, by striking "2010" and inserting "June 30, 2008";

On page 8, in line 1, preceding "facility" by inserting "correctional"; in line 28, preceding "facility" by inserting "correctional";

On page 9, in line 10, preceding "facility" by inserting "correctional"; in line 35, preceding "facility" by inserting "correctional";

On page 10, by striking all in lines 25 through 30;

And by renumbering sections accordingly;

Also on page 10, by striking all in lines 38 through 43;

On page 11, by striking all in lines 1 through 19;

And by renumbering sections accordingly;

Also on page 11, in line 21, following "expenditures" by inserting "(including official hospitality)"; in line 28, by striking "Kansas"; also in line 28, following "fair" by inserting "board"; in line 35, by striking "veteran's" and inserting "veterans"; in line 38, by striking "veterans" and inserting "veterans";

On page 12, in line 23, by striking “motor—vehicle” and inserting “motor-vehicle”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2268** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2083** be passed.

Committee on **Elections and Governmental Organization** recommends **HB 2173** be amended on page 2, in line 5, by striking “bee” and inserting “been”;

On page 9, in line 34, by striking “such as a current and valid identification”; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 13** be passed.

Committee on **Federal and State Affairs** recommends **HB 2202** 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 **Health and Human Services** recommends **HB 2096** 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 **Veterans, Military and Homeland Security** recommends **HB 2210** be amended on page 1, in line 13, by striking all following “1.”; by striking all in lines 14 through 29; in line 30, by striking “Sec. 2.”;

Also on page 1, in line 41, by striking all following the period; by striking all in lines 42 and 43;

On page 2, by striking all in lines 1 through 4 and inserting “No employee of the Kansas commission on veterans affairs shall act as an agent with power of attorney for any claimant.”; in line 39, by striking all following “affairs” where it appears for the first time; by striking all of line 40; in line 41, by striking “program”; in line 43, following “program” by inserting “, subject to the following: (A) The person to be cross-accredited shall provide proof to the veterans service organization that the person has successfully completed the national association of county veterans service officers training and that such person shall maintain the continuing education requirements of the cross-accrediting veterans service organization; and (B) the cross-accrediting veterans service organization is reserved the right to terminate the cross-accrediting if the person fails to meet the continuing education requirement of the veterans service organization”;

On page 4, following line 4, by inserting the following:

“New Sec. 2. Three years after the effective date of this act, the legislative post audit committee is requested to authorize a performance audit of the veterans claims assistance program. Such audit is to evaluate the program’s effectiveness in increasing services to veterans through the veterans service representatives at the three United States department of veterans affairs medical centers in Leavenworth, Topeka and Wichita.”;

Also on page 4, in line 5, by striking “K.S.A. 73-1211 and”; also in line 5, by striking “are” and inserting “is”;

In the title, in line 9, following the semicolon by inserting “providing for a performance audit.”; also in line 9, by striking “K.S.A. 73-1211 and”; in line 10, by striking “sections” and inserting “section”; and the bill be passed as amended.

#### REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

**Request No. 57**, by Representative Palmer, congratulating William and Vivian Bright on their 60th wedding anniversary;

**Request No. 58**, by Representative Gordon, congratulating Glen Dietcher on his 75th birthday;

**Request No. 59**, by Representative Swanson, congratulating a Clay Center Middle School class for being selected as an exemplary class in technology;

**Request No. 60**, by Representative Colyer, commending Greg Hoover for his determination and character;

**Request No. 61**, by Representative Johnson, congratulating Dr. Charles Stinchcomb on being named Mentor of the Year;

**Request No. 62**, by Representative Proehl, congratulating Ed and Alece Ball on their 50th wedding anniversary;

**Request No. 63**, by Representative Mast, congratulating Elise Sonshine Small on her graduation from the Small Red Schoolhouse;

**Request No. 64**, by Representative Palmer, congratulating Dewaine and Beverly Geiger, Tom and Marilyn Wilcox, and James and Patricia Eastwood on their wedding anniversaries;

**Request No. 65**, by Representative Palmer, congratulating Doris Jones on her 90th birthday;

**Request No. 66**, by Representative Olson, congratulating Matthew Freyler, Nicole King and Renae W. Latimer on being named to the President's Honor Roll at Washburn;

**Request No. 67**, by Representative Siegfried, congratulating Kaitlin Chipman and Devon Anderson on earning the Girl Scout Gold Award;

**Request No. 68**, by Representative Siegfried, congratulating Elizabeth M. Ayers on being named to the President's Honor Roll at Washburn;

**Request No. 69**, by Representative Carlson, congratulating Trista Pinick, Richard Bud-den and Jacob Lenhess on being named to the President's Honor Roll at Washburn;

**Request No. 70**, by Representative Huntington, congratulating Charles Andrew Johnson on attaining the rank of Eagle Scout;

**Request No. 71**, by Representative Bowers, congratulating Clifton-Clyde High School on winning an FBLA award;

**Request No. 72**, by Representative Bowers, congratulating Clifton-Clyde Middle School on receiving the Governor's Achievement Award;

**Request No. 73**, by Representative Bowers, congratulating Phil Bentz for 45 years with Alstom Power Air Preheater Inc.;

**Request No. 74**, by Representative Bowers, congratulating Dan Mincey for 30 years with Alstom Power Air Preheater Inc.;

**Request No. 75**, by Representative Bowers, congratulating Dan and Nancy Watson on receiving the 2006 Grassland Award;

**Request No. 76**, by Representative Bowers, congratulating Joe and Vickie Coover on receiving the 2006 Bankers Award;

**Request No. 77**, by Representative Bowers, congratulating John and Rosalie Tibbits, Terry and Jan Chancy, Colleen Lambert and Lon and Lisa Faidley on receiving Ottawa County Conservation District Awards;

**Request No. 78**, by Representative Grange, congratulating Dale Covert on his 85th birthday;

**Request No. 79**, by Representative Grange, congratulating Ralph L. Carlisle on his 80th birthday;

**Request No. 80**, by Representative Bowers, congratulating Tommie Berger on receiving a 2006 Friends of Conservation Award;

**Request No. 81**, by Representative Goico, congratulating Zachary Graham on attaining the rank of Eagle Scout;

**Request No. 82**, by Representative Faber, honoring Lawrence F. "Sonny" Ruff on receiving a National Volunteer Fire Council Lifetime Achievement Award;

**Request No. 83**, by Representative Peck, congratulating Mr. and Mrs. Gilbert Woold-ridge on their 50th wedding anniversary;

**Request No. 84**, by Representative Peck, congratulating Mrs. Alexandra "Sandra" Man-ness on her 90th birthday;

**Request No. 85**, by Representative Peck, congratulating Nellie Ruth Hey on her 95th birthday;

**Request No. 86**, by Representative Proehl, congratulating Clara Aldeena Colwell on her 100th birthday;

**Request No. 87**, by Representative Peck, congratulating Brady and Betty Merriman on their 61st wedding anniversary;

**Request No. 88**, by Representative Sharp, congratulating Girard Sagmiller on winning a 2007 Kansas Artist Mini-Fellowship;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

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 2535**, An act concerning the department on aging; relating to fees for licenses to operate adult care homes; disposition of such fees; creation and administration of the state licensure fee fund; amending K.S.A. 2006 Supp. 39-930 and repealing the existing section, by Committee on Appropriations.

**HB 2536**, An act concerning colleges and universities; relating to the state board of regents; repealing K.S.A. 74-3205a, 74-3205b, 74-3205c and 74-3205d, by Committee on Appropriations.

**HB 2537**, An act concerning transportation development districts; relating to methods of financing thereof; Leawood transient guest tax; amending K.S.A. 2006 Supp. 12-17,141 and repealing the existing section, by Committee on Taxation.

**HB 2538**, An act concerning sales taxation; relating to exemptions; oxygen delivery equipment; amending K.S.A. 2006 Supp. 79-3606 and repealing the existing section, by Committee on Taxation.

**HB 2539**, An act relating to the state board of regents; concerning Emporia state university and Kansas state university; authorizing the sale and conveyance or exchange of certain real property, by Committee on Appropriations.

**HB 2540**, An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2541**, An act making and concerning appropriations for the fiscal year ending June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 79-4801 and repealing the existing section, by Committee on Appropriations.

**HB 2542**, An act making and concerning appropriations for the fiscal years ending June 30, 2008, and June 30, 2009, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 79-4801 and K. S.A. 2006 Supp. 2-223, 55-193, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

#### HOUSE CONCURRENT RESOLUTION No. 5017—

By Representative Flaharty

A PROPOSITION to amend article 15 of the constitution of the state of Kansas by adding a new section thereto, concerning equal rights for men and women.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Article 15 of the constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 17. **Equal rights.** Equality of rights under the law shall not be denied or abridged by the state or any of its political or taxing subdivisions on account of sex.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* There is currently no constitutional provision specifically addressing equal rights of men and women. There are laws that prohibit discrimination in employment, housing and wages based on sex.

“A vote for this proposition would amend the Kansas constitution to incorporate into it the prohibition of discrimination based on sex. The proposed constitutional amendment would prohibit the state or any of its political or taxing subdivisions from enacting laws discriminating against men or women based on sex.

“A vote against this proposition would not amend the constitution, in which case the current laws would remain unchanged but could be amended by future acts of the legislature or its political or taxing subdivisions or modified by judicial interpretation.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2008.

Speaker Neufeld has announced the formation of the Joint Task Force on Kansas Corrections Reform. House members are Rep. O’Neal, Chairperson; Rep. Tafanelli and Rep. Pauls.

#### **REPORT ON ENGROSSED BILLS**

**HB 2006, HB 2168, HB 2267, HB 2373** reported correctly engrossed February 15, 2007.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Monday, February 19, 2007.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

