

Journal of the House

SIXTY-SIXTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, May 22, 2007, 10:00 a.m.

The House met pursuant to **HCR 5024** with Speaker Neufeld in the chair.
The roll was called with 117 members present.
Rep. Garcia was excused on verified illness.
Reps. Aurand, George, Henry, M. Holmes, Lukert, Moxley and Svaty were excused on excused absence by the Speaker.

Prayer by Rep. McKinney, guest of Rep. Neufeld:

Lord God in Heaven,
Today we thank you for the people of Kansas and all of the gifts you give to us constantly.
We thank you that when life's blows seem overwhelming, you give us strength.
We thank you that when our challenges are perplexing, you give us wisdom.
We thank you that when our problems seem insurmountable, you give us vision.
And most of all, Lord, we thank you for the love you have instilled into the hearts of our people. Love that has overflowed abundantly to the people in my community of Greensburg. Love shared freely with my family. Love poured out abundantly on me personally.
We thank you, Lord, that because of your gifts of strength, wisdom, vision, and especially love, that with the Apostle Paul those of us from Greensburg can say that we are "hard pressed but not crushed, perplexed, but not in despair, struck down, but not destroyed."
Thank you again, Lord, for your gifts, especially your love.
And thank you, Lord, for making us Kansans.
In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Rep. Owens.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Rep. McKinney, **HCR 5025**, by Reps. Neufeld and McKinney, as follows, was introduced and adopted:

HOUSE CONCURRENT RESOLUTION No. 5025—

A CONCURRENT RESOLUTION ratifying the State of Disaster Emergency declared on May 4, 2007, in a proclamation issued by Governor Sebelius and providing for the continuation thereof for Kiowa County until October 31, 2007.

WHEREAS, Severe storms accompanied by large hail, lightning, high winds, tornadoes and torrential rain resulting in flooding all occurred in the Kansas counties of Kiowa, Barton, Stafford, Pratt, Edwards and Phillips on May 4th and 5th of 2007; and

WHEREAS, These storms caused severe and widespread property damage and devastation to homes, businesses, communities and public infrastructure and facilities and resulted in injuries and loss of life; and

WHEREAS, The tornado which struck the town of Greensburg, the county seat of Kiowa County, completely destroyed the community, devastated county and city governmental facilities and completely interrupted all governmental services, and caused the deaths of 10 residents of Greensburg and injured dozens of others; and

WHEREAS, The Proclamation issued by Governor Sebelius for these counties pursuant to the Kansas Emergency Management Act pursuant to K.S.A. 48-924 provided for the State of Disaster Emergency to be in effect for not more than 15 days unless the State of Disaster Emergency is extended by the State Finance Council for a period of not more than 30 additional days or the State of Disaster Emergency is ratified by concurrent resolution of the Legislature; and

WHEREAS, The State Finance Council acted on May 16, 2007, to continue the declared State of Disaster Emergency for Kiowa County in effect until June 18, 2007; and

WHEREAS, The extent of the devastation and loss caused by these storms in Kiowa County and particularly in the community of Greensburg will require a much longer period to alleviate the emergency conditions, and the ratification of the State of Disaster Emergency for Kiowa County by concurrent resolution of the Legislature, as authorized by K.S.A. 48-924, is necessary to continue to provide for the recovery of the communities and people of Kiowa County from the emergency conditions which will continue after June 18, 2007: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Disaster Emergency for Kiowa County, Kansas, is hereby ratified and continued in existence after June 18, 2007, through October 31, 2007.

MESSAGE FROM THE GOVERNOR

April 30, 2007

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2007-05 for your information.

EXECUTIVE ORDER No. 2007-05

Concerning the Make-up, Function, and Duties
of the Governor's Military Council

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 8, 2007

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Orders No. 2007-06, 2007-07, 2007-08 for your information.

EXECUTIVE ORDERS No. 2007-06, 2007-07, 2007-08

Concerning Disaster Relief

KATHLEEN SEBELIUS
Governor

The above Executive Orders are on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

May 9, 2007

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Order No. 2007-09 for your information.

EXECUTIVE ORDER No. 2007-09
Concerning Disaster Relief

KATHLEEN SEBELIUS
Governor

The above Executive Order is on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE GOVERNOR

HB 2062, HB 2144, HB 2185, HB 2267, HB 2393, HB 2597 approved on May 9, 2007.

Also, **HB 2004, HB 2005, HB 2113, HB 2140; S. Sub. for HB 2145; Sub. HB 2310; HB 2360, HB 2363; Sub. for S. Sub. for HB 2451; S. Sub. for HB 2457; HB 2599** approved on May 11, 2007.

Also, **HB 2128; Sub. for S. Sub. for HB 2237; S. Sub. for HB 2556** approved on May 14, 2007.

MESSAGE FROM THE GOVERNOR

Since our founding, times of incredible difficulty have always been met by Kansans, standing together, ready to reach for the stars. Now, a new challenge is upon us.

Earlier this month, a series of storms swept through our state, taking lives, destroying homes and threatening livelihoods. As we know, the greatest damage occurred in Greensburg and surrounding areas in Kiowa County.

The destruction of so many homes and the entire business district presents unimaginable challenges to the people of Greensburg as they strive to rebuild. While the recovery effort must be guided by local residents, the state can and should provide assistance to them as they create a new and even more vibrant community.

I have issued a series of executive orders to provide relief to the affected areas, but we must also take action to ensure the state can respond to Greensburg's needs during the period between today and the start of the 2008 Legislative Session.

I thank all legislators for returning to Topeka to put in place the necessary authority to provide this relief, and thank the leadership of both chambers for their cooperation in ensuring our state can provide the proper assistance to Greensburg as it rebuilds.

KATHLEEN SEBELIUS
Governor

Date: May 21, 2007

On motion of Rep. Merrick, the House recessed until 11:00 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker Neufeld in the chair.

MESSAGE FROM THE SENATE

Announcing passage of **HB 2540**, as amended by **S. Sub. for HB 2540**.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to House Rule 2311, Rep. Merrick moved that an emergency be declared and **S. Sub. for HB 2540** be advanced to that order of business, Concur and Nonconcur. The motion prevailed.

Also, on motion of Rep. Merrick, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S. Sub. for HB 2540**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Tafanelli, the House concurred in Senate amendments to **S. Sub. for HB 2540**, An act concerning disaster emergencies; relating to certain severe weather-related disasters and the state emergency fund; establishing a business restoration assistance program for certain counties; providing certain sales tax exemptions; prescribing certain powers, duties and functions; amending K.S.A. 2006 Supp. 75-3712 and repealing the existing section.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Coloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuetner, Landwehr, Lane, Light, Loganbill, Long, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, 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, 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, Beamer, Flora, Garcia, George, Henry, M. Holmes, Lukert, Mast, Moxley, Svaty.

MESSAGE FROM THE SENATE

Announcing adoption of **HCR 5025**.

APPOINTMENT OF JOINT COMMITTEES

The following have been appointed to the Legislative Educational Planning Committee (LEPC):

Senator Schodorf, Chair; Senators Francisco, Pine, Taddiken, Teichman and Vratil; and Representative Aurand, Vice Chair; and Representatives Horst, Huebert, Pottorff, Ballard, Phelps and Winn.

The following have been appointed to the Legislative Budget Committee:

Representative Schwartz, Chair; Representatives Tafanelli, Dahl and Feuerborn; Senator Umbarger, Vice Chair; Senators Kelly and Morris.

The following have been selected as delegates and alternates to the Midwestern Higher Education Commission:

Delegates: Senator Schodorf and Representative Ballard.

Alternates: Senator Francisco and Representative Aurand.

PERSONAL PRIVILEGE

Rep. McKinney rose on a point of personal privilege to thank everyone in the House and throughout the state of Kansas for all the prayers and support for him and for all the residents of Greensburg following the disastrous tornado. He said that when you are a Kansan and there is a crisis, you don't stand alone.

REPORT ON ENROLLED BILLS

HB 2004, HB 2005, HB 2113, HB 2128, HB 2140; S. Sub. for HB 2145; Sub. for S. Sub. for HB 2237; Sub. HB 2310; HB 2360, HB 2363; S. Sub. for Sub. HB 2451; S. Sub. for Sub. HB 2457; S. Sub. for HB 2556; HB 2599 reported correctly enrolled, properly signed and presented to the governor on May 4, 2007.

REPORT ON ENROLLED RESOLUTIONS

HR 6026 reported correctly enrolled and properly signed on May 3, 2007.

Also, **HCR 5024** reported correctly enrolled and properly signed on May 10, 2007.

The hour for final adjournment having arrived, Speaker Neufeld said, "By virtue of the authority vested in me, as Speaker of the House of Representatives of the 2007 session, I do now declare the House adjourned sine die."

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

