

Journal of the House

TENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, January 28, 2008, 11:00 a.m.

The House met pursuant to recess with Speaker Neufeld in the chair.
The roll was called with 119 members present.
Reps. Johnson and Lane were excused on verified illness.
Reps. Kelley, Loganbill, McLeland and Sawyer were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father

Today our thoughts turn towards our nation. Although many attempt to paint a dismal picture of no hope, may we remember that you, Creator, are in control of all things and with you, there is hope. May we be a nation that turns to you, repents of our sins, and seeks Your guidance. Be with our leaders from Kansas who will be heard and seen tonight during the State of the Union address. May they represent Kansans well by showing our positive attitudes, our dedication to hard work, and spirit of cooperation and collaboration for the better good. In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Spalding.

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

My dear colleagues,

I rise to introduce a very special young lady. Stephanie Shephard teaches eighth grade mathematics at Wheat Ridge Middle School in Gardner. Gardner, the main city in my district, has produced recipients for teaching excellence and I have had the privilege to present two Teachers of the Year and one exceptional teacher receiving the prestigious Milken Award during the past three years. And now, Ms. Shephard has won the highest honor the U. S. Department of education can bestow — the American Star of Teaching Award. She was selected from over 4,000 candidates from the entire United States.

Ms. Shephard earned a bachelor's degree at Ottawa University and a master's from Mid-America Nazarene University. She has taught in three schools in the district. Her students obviously respond to her skills and learn math — not the easiest subject. Ninety-two percent of her students scored proficient or better on the Kansas state assessment last year, when the state average was 68.3%.

She serves also as a mentor for new teachers, and wherever she taught, she was recognized by her principals as a top teacher. Her current principal, Tim Brady, can attest to that. He is here, and he recommended her for this award.

Rep. Kiegerl presented Ms. Shephard with a House certificate.

Also, there being no objection, the following remarks of Rep. McKinney are spread upon the journal:

Regularly in the House Chamber we recognize citizens who make us proud to be Kansans. That is what we are about today. About two days after the EF 5 tornado struck Greensburg, former Highway Patrol Superintendent Lonnie McCollum told me that this person should be recognized for her role in saving lives.

Lois Morehead of Greensburg has worked 11 years as a dispatcher for the Kiowa County Sheriff and for six years has worked part time at the Best Western Motel.

On the night of May 4, 2007, Lois was on duty at the desk of the J Hawk Best Western Motel in Greensburg. When the tornado sirens sounded Lois moved all of the motel's guests to shelter. In addition, she moved guests from another motel and travelers off Highway 54 to the basement of the motel. Best estimates are that Lois directed 40 to 50 people to refuge in the motel's basement.

Lois encountered one guest who was disabled and could not go to the basement. She directed this guest and her husband to the safest area in their room and told them not to move until she came back.

After securing all of the guests Lois was locking the motel's office when the tornado struck. She rode out the storm on the floor of the office in front of, not behind, the check in counter. As debris fell on her the glass around her and the roof above here were blown away. When it was over, only a header beam remained above her and most of the walls around her were gone.

Shaking off the debris, Lois quickly accounted for all of her guests, enlisted help from the motel basement, and told these helpers to find the disabled woman and her husband. They found them in the only room remaining with walls in the only safe place in the room, unharmed.

Lois then herded the guests into the area next to the office, found no severe injuries, and moved the ones who could walk to the triage center in the Dillon's parking lot. Because of Lois' leadership, no guest suffered significant injury.

Because she was scheduled for duty, the next day Lois showed up for work at the command center. She was assigned to help the Kansas Bureau of Investigation with the unenviable task of identifying bodies of the victims and notifying next of kin. Her help in this role proved priceless as Lois knows everyone and everyone knows Lois in Kiowa County.

Lois suffered a cut to her hand. She rebuffed friendly suggestions that she go to the doctor. Finally, upon direct orders from Sheriff Marble, she went to the hospital to have a serious infection treated.

We are joined today by Lois husband Gerald, her daughter Terra Morehead who is a U.S. Attorney in Kansas City, Terra's husband Dennis Davis and Kiowa County Sheriff Galen Marble.

Mr. Speaker, please join me in saying thank you to a Kansan who has demonstrated bravery and courage in the face of danger and a commitment to public service that has set an example for all of us and makes us proud to be Kansans.

Rep. McKinney presented Mrs. Morehead with a House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2692, An act concerning scrap metal dealers; relating to regulated scrap metal; amending K.S.A. 2007 Supp. 50-6,109 and repealing the existing section, by Committee on Energy and Utilities.

HB 2693, An act concerning school districts; relating to capital outlay; amending K.S.A. 2007 Supp. 72-8801 and repealing the existing section, by Representative Kiegerl.

HB 2694, An act concerning income taxation; relating to credits; alternative-fueled motor vehicles and alternative-fuel fueling stations; amending K.S.A. 2007 Supp. 79-32,201 and repealing the existing section, by Representative Ward.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Appropriations: **HB 2685**.

Economic Development and Tourism: **HB 2679**.

Elections and Governmental Organization: **HB 2683**.
 Energy and Utilities: **HB 2681, HB 2682; HCR 5029**.
 Federal and State Affairs: **HB 2680**.
 Insurance and Financial Institutions: **HB 2678, HB 2686, HB 2687, HB 2688, HB 2689, HB 2690**.
 Judiciary: **HB 2684**.
 Transportation: **HB 2691**.

CHANGE OF REFERENCE

Speaker Neufeld announced the withdrawal of **HB 2245** from Committee on Insurance and Financial Institutions and referral to Committee on Federal and State Affairs.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6007—

A RESOLUTION congratulating and commending the Ellis family for providing opportunities through their foundation for many students to access a higher level of education.

WHEREAS, Danny and Willa Ellis, residents of Fort Scott, Kansas, have turned their success and generosity into the establishment of the Ellis Foundation. The foundation, under the direction of their son Chris who serves as Executive Director, provides scholarships to students from low to medium income families in rural America, with an emphasis on single parent families; and

WHEREAS, The Ellis Foundation is in its tenth year and currently supports 545 students with \$8,000 scholarships given out over eight consecutive semesters. The scholarships pay up to \$1,000 each semester directly to the student's designated college. The foundation's commitment for existing scholarships exceeds \$4,000,000; and

WHEREAS, The Ellis Foundation is managed by a private corporation owned and operated by the Ellis family, with the goal of obtaining sufficient funds to maintain over 1,000 student scholarships in their program as soon as possible; and

WHEREAS, The Ellis Foundation was incorporated in Kansas in 1990 and is a qualified 509(a)(2) public charity and is funded by individuals, corporations and organizations that share the vision to help change young people's lives; and

WHEREAS, The Ellis family is rooted in Fort Scott, Kansas, and the inspiration for establishing this scholarship program was their daughter, Kathy Lyn Ellis Adriance, who was a teacher at Blue Valley High School in Johnson County, Kansas, and died of breast cancer in 1997; and

WHEREAS, In addition to offering scholarships in Kansas, the Ellis family has offered scholarships in several other nearby states: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Danny, Willa and Chris Ellis for the establishment and continued direction of the Ellis Foundation and their efforts to make it possible for many students to obtain a college education and become successful citizens of our great country, and we know their efforts to prepare America's future leaders are very worthy and appreciated; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide two enrolled copies of this resolution to Representative Palmer for presentation to the Ellis family and the Ellis Foundation.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 65, An act concerning elections; relating to advance voting; amending K.S.A. 2007 Supp. 25-1122 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

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, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Schroeder, Schwartz, 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: Johnson, Kelley, Lane, Loganbill, McLeland, Sawyer.

The bill passed, as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2641** 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 2695, An act concerning athletic trainer licensure; amending K.S.A. 2007 Supp. 65-6903, 65-6905, 65-6906, 65-6907, 65-6909 and 65-6910 and repealing the existing sections, by Committee on Health and Human Services.

HB 2696, An act concerning insurance; providing reimbursement for certain services; amending K.S.A. 2007 Supp. 40-2,103 and 40-19c09 and repealing the existing sections, by Committee on Insurance and Financial Institutions.

HOUSE CONCURRENT RESOLUTION No. 5030—

By Special Committee on the State Employee Pay Plan

A CONCURRENT RESOLUTION endorsing the findings and recommendations of the state employee compensation oversight commission; recommending funding, staffing and other support to implement and administer the recommended pay plans, including funding for market adjustment, maintenance and performance evaluation components; recommending multi-year appropriations for market adjustments over the five-year implementation period; and recommending an oversight board with legislative representation.

WHEREAS, During the 2007 regular session of the Legislature, the House Select Committee on State Employee Pay Plan was appointed to review the state employee classified service pay plan and the State of Kansas Salary Survey Report presented by the Hay Group, a legislative consultant, which included a market survey of salaries in the public and private sector, an analysis and recommendations for a framework to develop a new compensation system for the state; and

WHEREAS, The State Employee Pay Philosophy Task Force was established by the Legislature pursuant to Section 91(c) of 2007 House Bill No. 2368, with representation from each branch of state government, and the Task Force developed and recommended the philosophical framework for the development of the new state employee classified service pay plan; and

WHEREAS, The State Employee Compensation Oversight Commission was established by the Department of Administration pursuant to Section 107(t) of 2007 House Bill No. 2368, with representation from each branch of state government, to review classified employee fringe benefits and focus on the development of a new state pay plan for officers and employees in the classified service under the Kansas Civil Service Act; and

WHEREAS, The State Employee Compensation Oversight Commission recommended the development of five pay plans to consist of a Management Pay Plan, a Professional

Individual Contributor Pay Plan, a Protective Services Pay Plan, a Basic Vocational Pay Plan, and a General Classified Pay Plan for classified Executive Branch employees; and

WHEREAS, The State Employee Compensation Oversight Commission also recommended: (1) That the new pay plans be implemented over a five-year period at an aggregate estimated cost of \$84 million for the salary market adjustment component, including fringe benefits; (2) Development and implementation of a new employee performance evaluation system for classified Executive Branch employees, including training for employers and employees on the new evaluation system policies and procedures; (3) Performing market salary surveys every year on one-third of the Executive Branch classified workforce; and (4) Establishing an oversight commission that would be responsible for the oversight of the implementation of the new pay plan for the Executive Branch classified workforce; and

WHEREAS, The Legislative Coordinating Council created the Special Committee on the State Employee Pay Plan to (1) Review the proposed State Employee Pay Plan, the Hay Group Report on state employee pay, and the recommendations of the State Employee Compensation Oversight Commission; (2) Study the implementation of the Hay Group Report and the potential phase-in of the recommendations made by the State Employee Compensation Commission; and (3) Recommend and introduce legislation to implement any recommended changes to modify the state pay plan; and

WHEREAS, The Special Committee on the State Employee Pay Plan recommended that the Legislature: (1) Adopt and support the State Employee Pay Plan as recommended by the State Employee Oversight Commission; (2) Enact multi-year appropriations in connection with the phase-in of the new pay plan for the Executive Branch classified workforce to address the below market-rate salaries, including fringe benefits; (3) Fund the initial portion of the current year expense for the Department of Administration to begin to initiate and implement the new pay plan including an appropriate combination of additional staffing and consultant services; and (4) Support and implement the establishment and appointment of an oversight board, with Legislative representation, to provide oversight of the development and implementation of the new pay plan: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the findings and recommendations of the State Employee Compensation Oversight Commission and of the Special Committee on the State Employee Pay Plan during the 2007 interim period be adopted and funded; and

Be it further resolved: That funding and authorizations be enacted for needed staffing and other support for the Department of Administration to administer the transition to and implementation of the recommended pay plans, including funding for market adjustments and maintenance components and for the development and implementation of the performance evaluation component of the personnel system; and

Be it further resolved: That multi-year appropriations be enacted in connection with the phase-in of the new pay plan for the Executive Branch classified workforce to adjust below market-rate salaries, including fringe benefits, over the five-year implementation period; and

Be it further resolved: That an oversight board be established with Legislative participation to provide oversight of the development and implementation of the new pay plan for the Executive Branch classified workforce.

On motion of Rep. Merrick, the House adjourned until 11:00 a.m., Tuesday, January 29, 2008.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

