

# Journal of the House

## SIXTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 17, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 123 members present.  
Reps. Decker and Grange were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Creator God, who formed humankind in your own image and likeness, we pray today in celebration and thanksgiving for your gift of humanity. We praise you for the wisdom, the beauty, and the promise of creation. We thank you that you created your children with many different faces and with many different gifts. How rich our world is with the wonder of the diversity that you have provided. How blessed we are that we are surrounded by sisters and brothers who enrich our lives as we enrich theirs.

The just completed celebration of the birthday of Martin Luther King reminds us that there are still places where we are not all one, there are still words and actions and attitudes that diminish your gift rather than rejoice in it. Forgive us, Lord, for our weaknesses and for our unwillingness to trust in your glorious creation of all humanity. Free us from our prejudices and presumptions to join with others in embracing your gift and in bringing about your kingdom of peace in your world. Amen.

The Pledge of Allegiance was led by Rep. Ward.

### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Carlin, **HR 6004**, by Rep. Carlin, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6004—

A RESOLUTION congratulating and commending Kansas State University football coach Bill Snyder.

WHEREAS, Bill Snyder, the head football coach at Kansas State University for the past 17 years retired at the end of the 2005 season after having been recognized as the architect of the “greatest turnaround in the history of college football”; and

WHEREAS, When hired in 1988, the Kansas State University football team was suffering from a record of zero wins, 26 losses and one tie. Under Coach Snyder’s direction in the succeeding years, the team amassed a record of 136 wins, 68 losses and one tie, an amazing record considering that in the 51 seasons before his arrival the team had only 130 victories. Under Coach Snyder, Kansas State teams were perennially ranked among the nation’s elite, finishing 11 of the last 13 years in the Associated Press Top 20, and enjoying a six year period when the team finished each season in the Top 10 and played in 11 bowl games. Coach Snyder was named the National Coach of the Year in 1991, 1994 and 1998 and was elected Conference Coach of the Year five times by his peers. Perhaps his most memorable feat was the team’s upset victory over No. 1 Oklahoma in the 2003 Big 12 Championship

game. He leaves Kansas State ranked No. 7 among active coaches in winning percentage; and

WHEREAS, Coach Snyder's tenure at Kansas State produced three national award winners, 45 All America selections and 68 All Conference honorees; and

WHEREAS, Coach Snyder's impact at Kansas State has reached far beyond the football field. In addition to rekindling an overwhelming sense of pride among Kansas State alumni and supporters from coast to coast, the winning culture he created helped spark an university-wide renaissance as Kansas State's enrollment grew from 18,120 when he was hired to the current enrollment of nearly 24,000. As stated by Kansas State president Jon Wefald, "One of the greatest decisions that I have made in my years as president was to hire Coach Bill Snyder." Coach Snyder will remain at the university as a special assistant to the athletics director. In recognition of the legacy Bill Snyder leaves at Kansas State University, President Wefald has proposed that the football stadium be renamed the Bill Snyder Family Stadium: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That the body congratulates and commends Bill Snyder for 17 years of dedication and commitment to excellence. He leaves a legacy of inspiring leadership and great football for Kansas State University, the state of Kansas and for Wildcats everywhere; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Coach Bill Snyder, Room 142, Bramlage Coliseum, Kansas State University, Manhattan, KS 66506 and to President Jon Wefald, Room 110, Anderson Hall, Kansas State University, Manhattan, KS 66506.

Rep. Hawk introduced Coach Bill Snyder who was accompanied to the House by three of his children — Shannon, Sean and Ross.

There being no objection, the following remarks of Rep. Hawk are spread upon the Journal:

I would suspect that everyone in this body has a story to tell about how Bill Snyder's life and leadership has affected them or someone they know. For me, I go back to my Freshman year at Kansas State. That was 1964. We won three games that year. It turned out that was our best season...only winning one more and one tie the rest of my college career. All of us wanted to have a great football team, but it looked nearly impossible. Representative Don Hill can probably recall many of the frustrating football talks we had during our college days...with some rays of hope. Fast forward to seventeen years ago when Bill Snyder arrived in Manhattan. His life has touched our entire state because he brought that elusive quality to all of us...HOPE. He knew what it would take to build a program and expected the University to make an investment in dollars, facilities, and in an attitude of patience with constant improvement. That formula has been a model for many of us in our own lives. I want to take this moment to honor Coach Snyder for many things. It was gutsy to come to Kansas from a winning program in Iowa. But Bill Snyder continued to show all of us that hard work and character are foundational to a successful anything. He never "blew his own horn," never overstated, and showed constant commitment and support for not only his football program, but for the academic program at KSU, and support for Manhattan and our entire state of Kansas. Bill also took time for people in countless acts of compassion for his players and for the fans. It is no surprise that he would insist on naming the football stadium...Bill Snyder Family Stadium. Our community, our state, and my personal family (Tammi and I) have been so lucky to have you, Sharon, Ross and Whitney as neighbors, as leaders. We are diehard KSU Football fans and bleed purple. Thank you for the countless great moments on and off the field. Thank you for sharing your life...your vision of what is possible that makes all Kansans proud. We deeply thank you for that.

There being no objection, the following remarks of Rep. Carlin are spread upon the Journal:

When Coach Snyder came to Kansas I was becoming involved in local politics. When I was on the Manhattan City Commission we went to a bowl game every year from 1993-1997 and many years beyond. Also, in 1994 we annexed the University into the City of Manhattan. Even though it was in the center of Manhattan, it had never been annexed into

the city. In one year our sales tax revenues nearly tripled as people from all over Kansas purchased purple sporting attire and because we filled our stadium with fans. When you bring a person like Coach Snyder into your community there are many unexpected rewards.

Coach Snyder's respect for family has been one of his most admired characteristics in Kansas, where family is a state priority. We all look forward to his role as the leader of the Governor's new Kansas Mentors Program.

Coach Snyder also addressed a few remarks to the members of the House.

#### **REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following bill was referred to committee as indicated:

Commerce and Labor: **HB 2614.**

#### **SPECIAL REMARKS**

There being no objection, the following remarks of Rep. Ballard are spread upon the Journal:

I am speaking on behalf of the African American Caucus. Dr. Martin Luther King cared about all people, not just African Americans. We know about his "I Have a Dream" speech and I now quote from an article titled "King's dream was dignity for everyone" by Leonard Pitts Jr, winner of the 2004 Pulitzer Prize for commentary and a columnist for the Miami Herald, and printed in the Lawrence Journal-World, Saturday, January 14, 2006:

*But the man who said, "I have a dream" also said, "All life is inter-related" and came to believe his mission as a moral leader encompassed more than race. Encompassed, among other things, class.*

*It is instructive to remember that in his last days, King was planning what he called the Poor People's Campaign, a multiethnic march on Washington to demand action against poverty. "At Canaan's Edge," the final chapter of Taylor Branch's epic re-telling of the civil rights years, recounts a summit meeting a few weeks before King's assassination. Chicano farmworkers, American Indians from the Plains and white coal miners from Appalachia, sat with King to explore the revolutionary idea that their peoples might have causes and grievances in common.*

*Then King went to Memphis. And the idea has not been meaningfully explored since. Neglect has made it no less tantalizing.*

*Yes, race matters. Most of us know this. But the genius of Martin Luther King in his final days was to understand that there are paradigms beyond race and that they matter, too.*

*As we are exhorted to seek paths of racial amity, one hopes we will also be exhorted to understand, as King did, that conscience has no color, that race is not destiny, that injustice anywhere threatens justice everywhere.*

*There are among us children who sleep in hunger, rise in cold, live in ignorance and they are of every color and every tribe. We ought not find their suffering easier to accept because they are not like us. Ought to realize that the dignity of all is the concern of all.*

*That, too, was Martin's dream.*

We all pray to God for help and we expect it, but do we give Him the praise, honor and glory to thank Him. When we ask God for help, He comes down and lifts us up. He makes each of us better. Do we help others? We can all do difficult things when we are called upon. Dr. King had a dream and we all have dreams, too. We were given life and talents for a reason. We all have a purpose. Who will step up? Are you the one?

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 2615.** An act repealing K.S.A. 2005 Supp. 76-731a; relating to tuition and fees for certain persons attending postsecondary educational institutions, by Committee on Appropriations.

**HB 2616.** An act concerning criminal procedure; relating to preliminary examinations; amending K.S.A. 2005 Supp. 22-2902 and repealing the existing section, by Committee on Judiciary.

**HB 2617.** An act concerning crimes and punishment; relating to violation of a protective order; amending K.S.A. 2005 Supp. 21-3843 and repealing the existing section, by Committee on Judiciary.

**HB 2618.** An act concerning property taxation; relating to exemptions and credits; digital television and radio equipment, by Committee on Taxation.

**HB 2619.** An act concerning property taxation; relating to exemptions; certain commercial and industrial machinery and equipment; certain materials and supplies; amending K.S.A. 2005 Supp. 79-201w and repealing the existing section, by Committee on Taxation.

**HB 2620.** An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employment after retirement; amending K.S.A. 72-5437, 74-4922 and 74-4939 and K.S.A. 2005 Supp. 72-5445 and 74-4914 and repealing the existing sections, by Representative Otto.

**HB 2621.** An act concerning property taxation; relating to unpaid property taxes; publishing notice thereof; amending K.S.A. 19-547, 79-2001 and 79-2303 and repealing the existing sections, by Representative Otto.

**HB 2622.** An act concerning children and minors; relating to children in need of care; amending K.S.A. 38-1585 and K.S.A. 2005 Supp. 38-1505 and 38-1507 and repealing the existing sections, by Representative Otto.

**HB 2623.** An act concerning retirement and pensions; relating to the Kansas public employees retirement system; employment after retirement; amending K.S.A. 2005 Supp. 74-4914 and repealing the existing section, by Committee on Federal and State Affairs.

**HB 2624.** An act concerning motor vehicles; relating to drivers' licenses; requiring van endorsement for certain vehicles; amending K.S.A. 8-234a, 8-234b and 8-238 and K.S.A. 2005 Supp. 8-240 and repealing the existing sections, by Committee on Federal and State Affairs.

**HB 2625.** An act relating to schools; allowing for school districts to create shared schools by interlocal agreement; concerning operations and financing thereof, by Representative Henry.

HOUSE CONCURRENT RESOLUTION No. 5026—

By Committee on Federal and State Affairs

A PROPOSITION to amend section 1 of article 6 of the constitution of the state of Kansas, relating to schools.

*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: Section 1 of article 6 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 1. Schools and related institutions and activities.** The legislature shall provide for intellectual, educational, vocational and scientific improvement by establishing and maintaining public schools, educational institutions and related activities which may be organized and changed in such manner as may be provided by law. *No court shall order any remedy for a violation of any provision of this article that shall cause the closure, or prevent the operation, of public schools.*”

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

*“Explanatory statement.* The purpose of this amendment is to provide that no court may order that public schools be closed as a result of any violation

of article 6 of the Kansas constitution, concerning education, including school finance litigation.

“A vote for this amendment would prevent courts from ordering that schools be closed for any violation of article 6 of the Kansas constitution, concerning education, including addressing the constitutional defects in the financing of public schools.

“A vote against this amendment would allow courts to order that schools be closed for any violation of article 6 of the Kansas constitution, concerning education, including addressing the constitutional defects in the financing of public schools.”

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 a special election to be held the first Tuesday following 60 calendar days after the approval of this resolution by both the House of Representatives and the Senate of the Kansas legislature.

#### REPORT ON ENROLLED RESOLUTIONS

**HR 6004** reported correctly enrolled and properly signed on January 17, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, January 18, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

