

Journal of the House

NINTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, January 20, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 117 members present.
Reps. Hutchins and Krehbiel were excused on verified illness.
Reps. Kiegerl and Shultz were excused on legislative business.
Reps. Carter, Masterson, Peterson and Schwab were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Michael Kuner, interim pastor of First Presbyterian Church, Topeka, and former chaplain of the House from 1988-1993:

We thank you O Lord, for praise is therapy and prayer is medicine for our soul.
At least during the time of this prayer, let our hearts and our minds be focused exclusively on your great mercies.

We give you thanks that you have
surrounded us with friends;
trusted us with responsibilities;
endowed us with a conscience;
provided us with all things needful;
and set your great love upon us.

In this time of prayer, we would remember those whose sacrifices have secured the good that we enjoy:
parents, teachers, soldiers, artists, inventors, scholars, pioneers and even politicians.

For all who have given that we might receive your good gifts, we give you our thanks and our praise.

We embrace in our prayers today those who live with a sense of running out of what they need:

those running out of time in life with their dreams yet unfulfilled;
those who are running out of patience, wondering how long they can endure;
those who are running out of health, who feel their strength waning each day;
those who are running out of money as they fight rising costs on fixed incomes;
those who are running out of excuses, who must soon assume blame for their own failures.

O God, you alone are able to keep us from falling, whose power is unbounded, where our reserves are low, fill us once again with your strength so that we might finish the course you have set us upon as your servants in this place.

We continue to pray for our brave men and women in the armed forces of our great nation, even as we pray for the day when they will be returned to those who love them. Keep them safe; keep them faithful, we pray.

All these things we pray in faith and with thanksgiving in your great name O Lord, our Rock and our Redeemer. Amen.

The Pledge of Allegiance was led by Rep. Kelsey.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2669, An act relating to the withholding of wages; amending K.S.A. 44-319 and repealing the existing section, by Committee on Financial Institutions.

HB 2670, An act concerning children; relating to visitation by grandparents; amending K.S.A. 38-129 and 60-1616 and repealing the existing sections, by Representatives Huy and Pottorff.

HB 2671, An act concerning workers compensation; relating to occurrence deductibles; amending K.S.A. 44-559a and repealing the existing section, by Committee on Commerce and Labor.

HB 2672, An act relating to drivers' licenses and nondrivers' identification cards; issuance thereof; amending K.S.A. 2005 Supp. 8-240 and 8-1324 and repealing the existing sections, by Representative Powers.

HB 2673, An act concerning oil and gas; requiring information; amending K.S.A. 55-1622 and repealing the existing section, by Committee on Utilities.

HB 2674, An act concerning the joint committee on children's issues; membership; amending K.S.A. 46-3001 and repealing the existing section, by Committee on Appropriations.

HB 2675, An act concerning health insurance; establishing a pilot program to allow certain small businesses to provide health insurance through the state employees health benefits program, by Committee on Appropriations.

HB 2676, An act concerning certain restrictive covenants, by Committee on Governmental Organization and Elections.

HB 2677, An act relating to certain state educational institutions; relating to certain sports events involving Wichita state university, Kansas state university and the university of Kansas, by Representative Watkins (By request).

HB 2678, An act repealing K.S.A. 65-1661; relating to renal dialysis facility pharmacies, by Committee on Health and Human Services.

HB 2679, An act concerning income taxation; relating to credits; commercial and industrial machinery and equipment; amending K.S.A. 2005 Supp. 79-32,206 and repealing the existing section, by Representatives Goico, Brunk and Siegfried.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2653**.

Commerce and Labor: **HB 2654**, **HB 2655**, **HB 2658**.

Financial Institutions: **HB 2662**, **HB 2663**.

Governmental Organization and Elections: **HB 2666**, **HB 2667**.

Health and Human Services: **HB 2660**.

Insurance: **HB 2659**.

Judiciary: **HB 2661**, **HB 2664**, **HB 2665**, **HB 2668**.

Utilities: **HB 2656**, **HB 2657**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2159** from Committee on Judiciary and rereferral to Committee on Insurance.

Also, the withdrawal of **HB 2592** from Committee on Governmental Organization and Elections and referral to Committee on Utilities.

MESSAGE FROM THE GOVERNOR

September 1, 2005

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

Enclosed herewith is Executive Order No. 2005-06 for your information.

EXECUTIVE ORDER No. 2005-06
Relating to Hurricane Katrina

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

September 1, 2005

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

Enclosed herewith is Executive Order No. 2005-07 for your information.

EXECUTIVE ORDER No. 2005-07
Relating to Hurricane Katrina

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

January 17, 2006

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

Enclosed herewith is Executive Order No. 2006-01 for your information.

EXECUTIVE ORDER No. 2006-01
Offer of Reward

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

January 18, 2006

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

Enclosed herewith is Executive Order No. 2006-02 for your information.

EXECUTIVE ORDER No. 2006-02
Continuance of Governor's Military Affairs Coordinating 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 SENATE

Announcing passage of **SB 40, SB 349**.

Also, announcing passage of **HB 2129**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 40, SB 349.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolutions were introduced and read by title:

HOUSE RESOLUTION No. 6007—

By Representatives Gordon and Burgess

A RESOLUTION congratulating and commending the Mission Township fire department.

WHEREAS, The Topeka area finished 2005 with 48 inches of rain making 2005 the fourth-wettest year on record. On the weekend of October 1 and 2 as much as 12 inches of rain fell in areas of Jackson and Jefferson counties; and

WHEREAS, In the early morning hours of October 2 personnel from the Mission Township fire department participated in emergency water operations when individuals were surprised by flood waters placing their lives in danger. Fire Chief Anthony Buckland, acting as the water rescue team leader, entered the fast moving flood waters to rescue a family of four—father, mother and two children found clinging to a tree. Lieutenant Darin Daniels, qualified as a swift water rescue technician, left the safety of his boat on two occasions to rescue three people who had been swept from their vehicles. These seven individuals most likely would have drowned but for the heroic efforts of the Mission Township water response team; and

WHEREAS, Individuals involved in these rescue efforts were: Chief Anthony Buckland, water rescue team leader; Lieutenant Darin Daniels, swift water rescue technician; EMT Hal Moore, boat captain and EMT Roger Dahlby, primary patient care technician. Station coverage was provided by: Assistant Chief Brian Christiansen, Captain Forrest Walter, Duty Officer Erin Baker, Volunteer Captain Buford Johnson, Volunteer Captain Michael Razo and Volunteer Firefighter Nick Hilderbrand. Other participants were Duty Officer Travis Sutton, Volunteer Firefighter Travis Carlile, Volunteer Firefighter Scott Scurlock and Volunteer Firefighter Michael Keyes; and

WHEREAS, These Mission Township fire fighters responded to needs outside of their township, and because of their specialized training and unselfish acts none of the terrified individuals caught in swiftly flowing flood waters died. Because of their brave response to this emergency a county-wide water response team has been created led by Chief Buckland: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend the members of the Mission Township fire department for their heroic deeds during the early morning hours of October 2; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Chief Anthony Buckland, Mission Township Fire Department, 3101 Urish Road, Topeka, KS 66614.

HOUSE RESOLUTION No. 6008—

By Committee on Environment

A RESOLUTION urging the United States army corps of engineers and the Kansas congressional delegation to approve a plan made by the state of Kansas to preserve and extend the life of the United States army corps of engineers administered lakes in the state of Kansas.

WHEREAS, The United States army corps of engineers constructed many reservoirs in Kansas; and

WHEREAS, Those reservoirs have provided flood control, recreational opportunities and drinking water supplies to more than one million Kansans; and

WHEREAS, The reservoirs represent partnerships between the United States government and the citizens of Kansas and their elected representatives; and

WHEREAS, The reservoirs are being adversely impacted by sedimentation that significantly reduces the storage capacity of the reservoirs and such sedimentation is accruing at faster rates than originally projected; and

WHEREAS, The on-going reduction in storage capacity has deleterious effects on water quality, flood control capabilities and recreational opportunities; and

WHEREAS, Available and suitable land to construct new reservoirs by the United States army corps of engineers is essentially unavailable; and

WHEREAS, Raising the height of existing dams is largely not feasible because of the economic and political difficulties associated with flooding additional land above the normal reservoir flood plain; and

WHEREAS, The direct and indirect benefits and costs associated with maintaining and preserving these important water impoundments are currently being shared by the United States government and the state of Kansas; and

WHEREAS, Most of the United States army corps of engineers constructed reservoirs in Kansas will be purchased by the people of Kansas with the expectation that their flood control, drinking water supply and recreational function will be viable for many more decades: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That the House of Representatives of the state of Kansas recognizes the value and importance of these reservoirs to the federal government, residents of down stream states and the people of Kansas; and

Be it further resolved: That the House of Representatives of the state of Kansas recognizes the importance of investing wisely to preserve these reservoirs to prevent the devastating floods that occurred prior to their construction; and

Be it further resolved: That the House of Representatives of the state of Kansas supports development of a program by which investments by individual states, as approved by the United States army corps of engineers, to preserve the maximum flood control and drinking water supply storage capacity of reservoirs constructed by the United States army corps of engineers shall be considered as payments toward the purchase price of the individual reservoirs; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to the commanding officer of the United States army corps of engineers, the Kansas congressional delegation and the Governor.

REPORTS OF STANDING COMMITTEES

Committee on **Governmental Organization and Elections** recommends **HB 2582** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 9, by Representatives Gordon and Burgess, commending station coverage staff members during the flood water rescue operation;

Request No. 10, by Representatives Gordon and Burgess, commending the shore personnel in the evacuation during the flood water rescue operation;

Request No. 11, by Representatives Gordon and Burgess, commending Fire Chief Anthony Buckland on rescuing a family during the flood water rescue operation;

Request No. 12, by Representatives Gordon and Burgess, commending Lt. Darin Daniels on rescuing people during the flood water rescue operation;

Request No. 13, by Representatives Gordon and Burgess, commending Hal Moore on his part in rescuing people during the flood water rescue operation;

Request No. 14, by Representatives Gordon and Burgess, commending Roger Dahlby on his part in rescuing people during the flood water rescue operation;

Request No. 15, by Representative Dahl, congratulating Irvin and Pauline McPheeters on their 60th wedding anniversary;

Request No. 16, by Representative Peck, congratulating Wesley Burch on his 95th birthday;

Request No. 17, by Representative Phelps, congratulating Elmira Murphy on her 100th birthday;

Request No. 18, by Representative Phelps, congratulating Amelia Glassman on her 100th birthday;

Request No. 19, by Representative Pottorff, congratulating Ted and Karen Morris on receiving the Silver Anniversary Lifetime Achievement Award;

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. Aurand, 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 2680, 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 Special Committee on Assessment and Taxation.

HB 2681, An act concerning sales taxation; relating to local retailers' sales tax in Atchison county; amending K.S.A. 2005 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections, by Committee on Taxation.

HB 2682, An act relating to schools; concerning state implementation of the federal no child left behind act of 2001 and other federal education programs, by Representative Huebert.

HB 2683, An act concerning the Kansas water authority; relating to membership; amending K.S.A. 2005 Supp. 74-2622 and repealing the existing section, by Committee on Environment.

HOUSE CONCURRENT RESOLUTION No. 5030—

By Committee on Environment

(By request of Select Joint Committee on Energy)

A CONCURRENT RESOLUTION urging the President and the Congress of the United States to lift the moratorium on offshore drilling for natural gas.

WHEREAS, Policies of the federal government have placed much of the coastal Outer Continental Shelf off limits to natural gas exploration; and

WHEREAS, Dwindling natural gas supplies and global competition for natural gas continue to force prices upward; and

WHEREAS, America's increased dependence on foreign energy supplies, will create a threat to national security; and

WHEREAS, High gas prices are forcing industries like the nitrogen fertilizer industry to move production to other countries, creating a threat to our food security; and

WHEREAS, Other industrial natural gas users likewise are feeling the pinch and are faced with choices of absorbing cost increases, passing them along to consumers or moving production overseas; and

WHEREAS, The Economic Research Service of the United States Department of Agriculture estimates that farmers' fuel expenses for 2005 will have exceeded their 2004 fuel expenses by 41%; and

WHEREAS, The Energy Information Administration of the United States Department of Energy projects that the average residential customer this winter will spend approximately 48% more on natural gas than last winter; and

WHEREAS, Development of natural gas reserves contained in the Outer Continental Shelf would provide a reasonably priced supply of gas for years to come; and

WHEREAS, Technological innovations have increased the efficiency and ecological safety of natural gas exploration and recovery: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the State of Kansas urges the President and the Congress of the United States to lift the moratorium on offshore exploration for natural gas; and

Be it further resolved: That the Secretary of State is directed to send enrolled copies of this resolution to the President of the United States, the United States Secretary of Energy, the Administrator of the United States Environmental Protection Agency, the President of

the Senate of the United States, the Speaker of the House of Representatives of the United States and each member of the Kansas Congressional Delegation.

On motion of Rep. Aurand, the House adjourned until 3:00 p.m., Monday, January 23, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

