

Journal of the House

TWENTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
Topeka, KS, Wednesday, February 15, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 122 members present.
Reps. Flora and Kuether were excused on verified illness.
Rep. Carter was excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Joseph S. Popelka, pastor, Seven Dolores Catholic Church, Manhattan, and guest of Rep. Carlin:

In faith which is our ability to look to a greater source and being than ourselves, let us turn to a moment of prayer and reflection:

Almighty God, with you there is no beginning and no end. In many religious traditions and beliefs, you have acted graciously to protect and save the people created in your own image. Accept the prayer offered today for the representatives in this House who stand as the image of a proud and strong people, the citizens of Kansas. May the discussions, work and decisions of this body enhance the human dignity of every citizen in this grand state of Kansas so that freedom, security and peace will keep us united as brothers and sisters. We ask this in the name of God who lives and reigns forever and ever. Amen.

The Pledge of Allegiance was led by Rep. Roth.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2948, An act concerning business entities; relating to annual reports; filing; fees; requirements; amending K.S.A. 56-1a606, 56-1a607, 56-1a608, 56a-1201, 56a-1202 and 56a-1203 and K.S.A. 2005 Supp. 17-1513, 17-1618, 17-2036, 17-2037, 17-2718, 17-4634, 17-4677, 17-6709, 17-7002, 17-7503, 17-7504, 17-7505, 17-7507, 17-7509, 17-7510, 17-7512, 17-76,125, 17-76,139 and 79-5401 and repealing the existing sections; also repealing K.S.A. 2005 Supp. 17-6806 and 75-446, by Committee on Taxation.

HB 2949, An act concerning water; relating to the public water supply loan fund and purposes for disbursement therefrom; amending K.S.A. 65-163e and repealing the existing section, by Committee on Appropriations.

HB 2950, An act concerning the Kansas racing and gaming commission; making and concerning appropriations for the Kansas racing and gaming commission for the fiscal year ending June 30, 2006, by Committee on Appropriations.

HB 2951, An act designating a portion of United States highway 36 the World War I veterans memorial highway, by Committee on Federal and State Affairs.

HB 2952, An act relating to certain life form engineering; concerning human chimera; creating certain crimes and providing penalties for such crimes; authorizing civil fines, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture: **HB 2899**.
 Appropriations: **HB 2907, HB 2936, HB 2945**.
 Commerce and Labor: **HB 2928, HB 2939, HB 2946**.
 Education: **HB 2906, HB 2937, HB 2944**.
 Federal and State Affairs: **HB 2929, HB 2931**.
 Governmental Organization and Elections: **HB 2938**.
 Health and Human Services: **HB 2920, HB 2933, HB 2941**.
 Judiciary: **HB 2905, HB 2908, HB 2910, HB 2911, HB 2912, HB 2913, HB 2914, HB 2916, HB 2919, HB 2921, HB 2935, HB 2942, HB 2943**.
 Taxation: **HB 2900, HB 2901, HB 2902, HB 2903, HB 2904, HB 2909, HB 2915**.
 Transportation: **HB 2918, HB 2922, HB 2940, HB 2947**.
 Utilities: **HB 2900, HB 2901, HB 2902, HB 2903, HB 2904, HB 2923, HB 2924, HB 2925, HB 2926, HB 2927, HB 2932, HB 2934**.
 Wildlife, Parks and Tourism: **HB 2917, HB 2930**.

COMMUNICATIONS FROM STATE OFFICERS

From Ward Loyd, Chair, 2006 Kansas Criminal Justice 3R's Project Committee Report, as required by K.S.A. 2005 Supp. 22-5101, January 20, 2006.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

CONSENT CALENDAR

No objection was made to **HB 2798** appearing on the Consent Calendar for the first day.
 No objection was made to **HB 2634, HB 2678, HB 2705, HB 2856** appearing on the Consent Calendar for the third day. The bills were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2634, An act concerning certain school districts; relating to the assessed valuation thereof, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Carter, Flora, Kuether.

The bill passed.

HB 2678, An act repealing K.S.A. 65-1661; relating to renal dialysis facility pharmacies, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M.

Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Carter, Flora, Kuether.

The bill passed.

HB 2705, An act designating a portion of interstate highway 135 as the Vietnam war veterans memorial highway, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Carter, Flora, Kuether.

The bill passed.

HB 2856, An act concerning the department of commerce; relating to the IMPACT program repayment fund; amending K.S.A. 2005 Supp. 74-50,107 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Carter, Flora, Kuether.

The bill passed.

Sub. HB 2525. An act concerning property taxation; relating to exemptions; certain telecommunications and railroad machinery and equipment; concerning payments to counties; amending K.S.A. 2005 Supp. 79-213 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 15; Present but not voting: 1; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Colleton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flaharty, Freeborn, Garcia, George, Goico, Gordon, Grange, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Landwehr, Lane, Light, Loganbill, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Nays: Burroughs, Feuerborn, Gatewood, Grant, Henderson, Long, Menghini, M. Miller, Peterson, Ruiz, B. Sharp, Sloan, Trimmer, Williams, Winn.

Present but not voting: Krehbiel.

Absent or not voting: Carter, Flora, Kuether.

The substitute bill passed, as amended.

HB 2619. An act concerning taxation; relating to property tax exemptions; certain commercial and industrial machinery and equipment; certain materials and supplies; certain payments to counties; homestead property tax refund act, computation of claims; school ad valorem tax levy; amending K.S.A. 2005 Supp. 79-201w, 79-201x, 79-213 and 79-4508 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 14; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Colleton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Flaharty, Freeborn, Garcia, George, Goico, Gordon, Grange, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Landwehr, Lane, Light, Loganbill, Loyd, Lukert, Mah, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Merrick, F. Miller, M. Miller, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Sawyer, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Vickrey, Ward, Watkins, Weber, Wilk, Wolf, Yoder, Yonally.

Nays: Burroughs, Feuerborn, Gatewood, Grant, Henderson, Long, Menghini, Peterson, Ruiz, B. Sharp, Sloan, Trimmer, Williams, Winn.

Present but not voting: None.

Absent or not voting: Carter, Flora, Kuether.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I feel we as legislators are not doing our job. The old saying things, or something, flows down hill seems to be appropriate in this situation. Although I want to see new and old businesses grow I cannot do that at the expense of the people in my district. We are doing the same thing as we have done in the past by pushing the responsibility of raising taxes to our local entities. We have taken money away from them in the past without replacing any of it. I cannot take the gold mine and give them the shaft again. I vote no on

HB 2619.—BOB GRANT

MR. SPEAKER: Daily, there are reports of businesses leaving Missouri and relocating in Kansas along with their jobs. Apparently, there is incentive enough for out-of-state businesses to locate in Kansas. **HB 2619** provides more incentives at an unacceptable cost. The

burden again falls on the homeowner, who is the only one who cannot pass it on. Taxes on income producing enterprises should give relief to the homeowner. This bill reverses that. Please take care of those who sent you here. I vote NO on **HB 2619**.—MICHAEL J. PETERSON

On motion of Rep. Aurand, the House resolved into Committee of the Whole, with Rep. Mast in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2681**, **HB 2676** be passed.

Committee report to **HB 2703** be adopted; also, on motion of Rep. Svaty to amend, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Hayzlett, **HB 2708** be amended on page 1, preceding line 28, by inserting the following:

“(d) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating subsection (c).”; and **HB 2708** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Environment** recommends **HCR 5029** be adopted.

Committee on **Environment** recommends **HB 2716** be amended on page 1, in line 23, by striking all after “at”; by striking all in lines 24 through 33; in line 34, by striking all before the period and inserting “the east half of the southeast quarter of the southwest quarter of Section 31, Township 11 South, Range 24 East, the east half of the northeast quarter of the southwest quarter of Section 31, Township 11 South, Range 24 East, and the southeast quarter of Section 31, Township 11 South, Range 24 East. Less that part of the above described tract lying northerly of the northerly high bank of the Kansas River and less that part of such tract lying southerly of the southerly high bank of the Kansas River”;

On page 2, after line 1, by inserting the following:

“(d) Water district no. 1 of Johnson county Kansas, shall assume full responsibility for any costs arising under this act.”; and the bill be passed as amended.

Committee on **Environment** recommends **HB 2757** be amended on page 1, in line 13, after “landowners” by inserting “or the representatives of such landowners”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2667** be amended on page 2, in line 38, by striking “through 14” and inserting “and 4”; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2809** be amended on page 1, in line 15, by striking all following “commission”; in line 16, by striking all preceding the period and inserting “appointed pursuant to section 2, and amendments thereto”; in line 17, by striking “Tribune, Kansas” and inserting “any city located in Greeley county”; in line 20, by striking “Two members” and inserting “One member shall be appointed by the governing body of the city of Tribune, one member”; in line 21, following “city” by inserting “of Horace”; in line 24, by striking “city” and inserting “cities”;

On page 2, in line 38, following the “(e)” by inserting “(1)”; in line 39, by striking “an election called and held thereon” and inserting “the next regular general election held in November of an even-numbered year. If the statutorily mandated duties of an elective office are to be eliminated or if the office is to be eliminated and the duties transferred to a nonelective office, the question of elimination of such duties or office shall be submitted to the voters as a separate ballot question”; in line 41, by striking “bond” and inserting “election”;

On page 3, preceding line 10, by inserting the following:

“(2) Any proposed unification which eliminates an elective office shall provide that the elimination of such office shall become effective upon the date of normal expiration of the term of such office.

(3) If the final plan provides for the unification of the city of Horace with the county or the unification or elimination of any of the offices or powers, duties and functions of such offices of the city of Horace and a majority of the qualified electors of the city of Horace voting on the plan do not vote in favor thereof, the city of Horace and officers thereof shall continue in existence and operation as if no unification had occurred.

(4)";

On page 5, in line 3, by striking "All" and inserting "(A) Except as provided by paragraph (B), all"; in line 6, by striking the period and inserting "; or

(B) all the territory of the county located within the incorporated areas of the county, for the purpose of exercising the powers, duties and functions of a city. The provisions of this paragraph shall apply only if the final plan provides for the unification of the city of Horace with the county and a majority of the qualified electors of the county and a majority of the qualified electors of the city of Horace voting on the plan vote in favor thereof."; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2497** be amended on page 1, in line 17, after "who" by inserting ", in this state or in other states or the federal government"; in line 23, after the first "act" by inserting "or a conviction of conspiracy under K.S.A. 21-3302, and amendments thereto, to commit such act, or similar statutes of other states or the federal government"; in line 30, after the comma by inserting "or similar statutes of other states or the federal government."; in line 34, by striking "validated" and inserting "determined by a finding";

On page 2, in line 11, by striking "2004 Supp."; in line 20, after "information" by inserting "including, but not limited to, diversion agreements."; in line 26, after "records" by inserting "and may require submission of fingerprints for identification purposes and"; in line 35, by striking "validated" and inserting "determined to be a finding"; in line 42, by striking "in writ-"; in line 43, by striking "ing"; also in line 43, by striking "to the secretary";

On page 3, in line 15, by striking "in writing"; and the bill be passed as amended.

Committee on **Insurance** recommends **HB 2693** be passed.

Committee on **Judiciary** recommends **HB 2616** be passed.

Committee on **Judiciary** recommends **HB 2617** be amended on page 1, in line 25, by striking "or" and inserting a comma; in line 26, after "vision" by inserting "or at any other time during the criminal case"; in line 31, after "or" by inserting "or"; in line 33, by striking all after "thereto"; by striking all in line 34; in line 35, by striking all before the period; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

Sub. HB 2525; HB 2619 reported correctly engrossed February 14, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Thursday, February 16, 2006.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

