

# Journal of the House

TWENTY-NINTH DAY

---

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

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 118 members present.  
Rep. Kuether was excused on verified illness.  
Reps. Horst and Weber were excused on legislative business.  
Reps. Edmonds, George, O'Neal and Sawyer were excused on excused absence by the Speaker.

Prayer by CH (CPT) Craig R. Ludwig, Battalion Chaplain, Fort Riley:

Almighty God, our protector and provider.

Guide and bless this great nation. Grant wisdom to the men and women who stand in this place today—the great State of Kansas House of Representatives—wisdom that will guide and bless them as they lead us and this great nation. Grant wisdom and guidance as they enact laws that will glorify you and bless your people.

Almighty God, we ask also for Your care, that You would keep all the men and women of our armed forces at home and abroad safe. We ask that you would defend them with your heavenly protection. Strengthen them in whatever troubles they may face. Give them courage to face the dangers of the day and the unknowns of tomorrow. Give them the unwavering belief that we stand with them as we stand in Your presence.

We pray in the name of the God, who loves us all, Amen.

The Pledge of Allegiance was led by Rep. Mast.

## INTRODUCTION OF GUESTS

Rep. McCreary introduced Lauren Susong, a senior at Wellington High School, who is the reigning Miss Teen Kansas. Miss Susong sang "The Lord's Prayer."

## INTRODUCTION OF GUESTS

In recognition of Armed Forces Appreciation Day, Rep. Merrick introduced Adj. Gen. Todd Bunting of the Kansas National Guard, who addressed a few remarks to the members of the House.

Rep. Craft introduced Brig. Gen. Dana Pittard, Fort Riley, who addressed the following remarks to the members of the House:

It is an honor to represent Fort Riley and the United States Army.

Military Appreciation Day rolls out the red carpet for all of the service members here in Kansas who have taken the oath to support and defend the Constitution of the United States. The role the military plays is very important in the fight against terrorism.

Americans believe in the freedom to live without fear of terrorism whether it is flying anywhere in the world or going to work, school or church and not having to look over their shoulders.

Fort Riley is home to approximately 10,000 soldiers but we are growing by approximately 10,000 additional service members and 13,000 family members by the year 2011. Currently, Fort Riley has just under 700 active duty soldiers deployed in support of Operation Iraqi Freedom. We recently welcomed home more than 3,000 soldiers from their year-long deployment to Iraq. These soldiers helped to increase the number of trained and equipped Iraqi security forces by 50 percent in just the past eight months. Our soldiers have assisted with many humanitarian efforts along with fighting for Iraq's freedom. Our soldiers were there for three elections that turned out some 11 million Iraqi voters. All of our soldiers can be justifiably proud of their critical role in Iraq and Afghanistan.

And we've deployed more than 20,000 active duty and reserve component soldiers out of our installation in support of the global war on terrorism — many of them Kansas natives. As our post grows and we implement the Army's changes, we will welcome the 1st Infantry Division back to Fort Riley. Fort Riley is one of the posts to have benefitted from the base realignment and closure actions. It's an exciting time for the military, Fort Riley and the State of Kansas.

Fort Riley is proud of its tradition and proud to be a part of Kansas' history.

Rep. Merrick recognized all the veterans who are Representatives in the House and also the following Sergeant-at-Arms staff members: Larry Henning (Army); Danny Helton, Jim Stanley and Rudy Perez (Navy); and Howard Johnston, Terry Lohrbach, Lloyd Diamond and Wayne Owen (Air Force).

Rep. Lane introduced Staff Sgt. Jason Oesterreich who serves in the Kansas National Guard and who is Rep. Lane's son-in-law.

#### **INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS**

On emergency motion of Rep. Merrick, **HR 6012**, by Reps. Mays and McKinney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6012—

A RESOLUTION observing February 17 as Armed Forces Appreciation Day.

WHEREAS, The State of Kansas has a proud tradition of military service to the nation, both in times of war and peace, having proudly given its sons and daughters into the service of the nation; and

WHEREAS, Guardsmen, reservists and active duty personnel from across Kansas are currently supporting operations in Iraq, Kuwait, Afghanistan, Kosovo, Bosnia-Herzegovina and other places around the world, while their families unselfishly endure on the homefront; and

WHEREAS, Members of the armed forces fought for and provided the independence under which our country was conceived, and have continued for over 200 years to protect the freedom we enjoy and to uphold the constitution of the United States; and

WHEREAS, The State of Kansas recognizes the significant impact the armed forces has on the state's history and the continued economic and social contributions the armed forces provide for Kansas: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we express our appreciation for those currently serving in all branches of the military service, the National Guard and Reserve Forces plus military retirees and veterans, and recognize their dedicated service to this state and our nation by observing February 17 as Armed Forces Appreciation Day.

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

The following bills were referred to committees as indicated:

Appropriations: **HB 2954**.

Environment: **SB 386**.

Federal and State Affairs: **HB 2955**.

Financial Institutions: **SB 495**.

Governmental Organization and Elections: **SB 379, SB 392**.

Insurance: **SB 405**.

Judiciary: **HB 2953; SB 221. SB 381.**  
 Taxation: **SB 384.**  
 Transportation: **SB 374. SB 510.**  
 Utilities: **SB 464.**

#### COMMUNICATIONS FROM STATE OFFICERS

From the Kansas Public Broadcasting Council (KPBC), as required by K.S.A. 75-4924, Annual Report to the Kansas Legislature, February, 2006.

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

#### MESSAGES FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 269**, requests a conference and has appointed Senators Teichman, Wysong and Gilstrap as conferees on the part of the Senate. Also, announcing passage of **SB 332; Sub. SB 358; SB 388, SB 397, SB 407; Sub. SB 463; SB 470, SB 481, SB 500.**

Announcing passage of **HB 2673.**

Announcing passage of **HB 2284**, as amended.

The President announced the appointment of Senator Steineger as a member of the conference committee on **SB 269** to replace Senator Gilstrap.

Also, announcing passage of **SB 448, SB 475.**

Announcing adoption of **SCR 1619, SCR 1620.**

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

**SB 332; Sub. SB 358; SB 388, SB 397, SB 407, SB 448; Sub. SB 463; SB 470, SB 475, SB 481, SB 500; SCR 1619, SCR 1620.**

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 269.**

Speaker Mays thereupon appointed Reps. Dahl, Schwab and Ruff as conferees on the part of the House.

#### CONSENT CALENDAR

Objection was made to **HB 2798** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

No objection was made to **HB 2824** appearing on the Consent Calendar for the first day.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HB 2342.** An act concerning nurses and physician assistants; relating to the pronouncement of death, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 22; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, DeCastro, Decker, Faber, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, D. Johnson, Kelsey, Kilpatrick, Kirk, Knox, Krehbiel, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Masterson, Mays, McKinney, McLeland, Menghini, Merrick, M. Miller, Jim Morrison, Myers, Neufeld, O'Malley, Oharah, Olson, Otto, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Dahl, Davis, Dillmore, Faust-Goudeau, Gatewood, Henderson, Huy, E. Johnson, Kelley, Kiegerl, Kinzer, Landwehr, Lane, McCreary, F. Miller, Judy Morrison, Owens, Pilcher-Cook, Powers, Swenson, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Edmonds, George, Horst, Kuether, O'Neal, Sawyer, Weber.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Determination of death is the most significant diagnosis medical personnel can make. It officially means the end of a person's life. It is vital that the ability to make that determination remain in the hands of only the most competent and fully-trained individuals. It is a personal value judgment as to what level of qualification it takes to make that determination. I vote no on **HB 2342**.—S. MIKE KIEGERL

**Sub. HB 2695.** An act concerning the Kansas comprehensive grant program; relating to persons eligible for grants thereunder; amending K.S.A. 74-32,120 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 3; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, 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, Oharah, Olson, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Krehbiel, Otto, S. Sharp.

Present but not voting: None.

Absent or not voting: Burroughs, Edmonds, George, Horst, Kuether, O'Neal, Sawyer, Weber.

The substitute bill passed.

**HB 2704.** An act relating to the small claims procedures act; concerning the number of actions filed in a calendar year; amending K.S.A. 61-2704 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 0; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, 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, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Edmonds, George, Horst, Kuether, O'Neal, Sawyer, Weber.

The bill passed.

**HB 2709.** An act concerning the rail service improvement program; relating to the funding thereof; amending K.S.A. 2005 Supp. 75-5048 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 8; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Beamer, Bethell, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, 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, O'Malley, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Brown, Carter, Dahl, Kinzer, Neufeld, Pilcher-Cook, Powell, Powers.

Present but not voting: None.

Absent or not voting: Edmonds, George, Horst, Kuether, O'Neal, Sawyer, Weber.

The bill passed.

**HB 2722.** An act concerning higher education; establishing a pilot program to provide an incentive for low-income families to establish postsecondary savings accounts, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 33; Present but not voting: 0; Absent or not voting: 8.

Yeas: Ballard, Bethell, Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Davis, DeCastro, Decker, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Freeborn, Garcia, Gatewood, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Huebert, Huff, Huntington, D. Johnson, Kelsey, Kirk, Knox, Krehbiel, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Mast, Mays, McKinney, Menghini, M. Miller, Jim Morrison, Myers, O'Malley, Olson, Otto, Owens, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruff, Ruiz, Schwab, B. Sharp, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Tafanelli, Thull, Treaster, Trimmer, Ward, Wilk, Williams, Winn, Wolf, Yoder.

Nays: Aurand, Beamer, Brunk, Carter, Dahl, Faber, Gordon, Hayzlett, Humerickhouse, Hutchins, Huy, E. Johnson, Kelley, Kiegerl, Kilpatrick, Kinzer, Landwehr, Masterson, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Neufeld, Oharah, Peck, Pilcher-Cook, Powell, Powers, Schwartz, Swenson, Vickrey, Watkins.

Present but not voting: None.

Absent or not voting: Edmonds, George, Horst, Kuether, O'Neal, Sawyer, Weber, Yonally.

The bill passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **HB 2696** be amended on page 1, in line 22, by striking "The" and inserting "Except as provided in subsection (g), the"; in line 24, by striking "court" where it appears for the first time; also in line 24, by striking "court" where it appears the last time; in line 31, by striking "judges of the district court" and inserting "district judges";

On page 2, in line 5, by striking "nominating" and inserting "workers compensation administrative law judge nominating and review"; in line 14, by striking all after the period and inserting "With respect to each person nominated, the secretary either shall accept and"; in line 17, before the period, by inserting "or shall reject the nomination and request the administrative law judge nominating and review committee to nominate another person for that position. Upon receipt of any such request for the nomination of another person, the administrative law judge nominating and review committee shall nominate another person for that position in the same manner"; in line 20, by striking "and"; in line 28, by striking

“Administrative” and inserting “Except as otherwise provided in this subsection, administrative”; in line 31, before “or” by inserting “at the salary provided under the civil service act”; also in line 31, by striking “opt” and inserting “elect”; in line 32, by striking “four year”; in line 33, by striking “court”; in line 39, before the period, by inserting “and the first term of office for such person shall be for two, three or four years as specified by the secretary so that administrative law judges appointed under this subsection serve staggered terms. Thereafter, any such person if reappointed as an administrative law judge shall be appointed for a term of four years”;

On page 5, in line 7, by striking “and also” and inserting “. The secretary of labor”; also in line 7, by striking “employ” and inserting “appoint”; in line 11, by striking “opts” and inserting “elects”; in line 23, by striking “On” and inserting “Except as otherwise provided under K.S.A. 44-551, and amendments thereto, on”; in line 25, by striking “appointee” and inserting “assistant director and administrative law judge”; and the bill be passed as amended.

Committee on **Education** recommends **HB 2613** be passed.

Committee on **Environment** recommends **HR 6008** be amended on page 1, in line 39, by striking “Most” and inserting “Much”; also in line 39, preceding “United” by inserting “water storage capacity in”;

On page 2, in line 15, preceding “individual” by inserting “water storage capacity in the”; and the resolution be adopted as amended.

Committee on **Governmental Organization and Elections** recommends **HB 2720** be amended on page 2, in line 8, by striking “advise” and inserting “notify”; in line 9, by striking all before the period and inserting “such fact. Such notice shall be in writing and if the deferral or refusal of the dedication of land is based upon noncompliance with the requirements established by the governing body, the notice shall specify in detail the nature of such noncompliance”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HCR 5011** be amended on page 1, in line 34, by striking “department on”; in line 35, by striking all before the period and inserting “departments on aging and social and rehabilitation services”; in line 37, before the period by inserting “and to the Secretary of Social and Rehabilitation Services”; and the concurrent resolution be adopted as amended.

Committee on **Transportation** recommends **HB 2758** be passed.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 55**, by Representative Loyd, congratulating Susannah Hutchinson and Amber Sligar on achieving membership on the 2006 All-Kansas Academic Team;

**Request No. 56**, by Representative Grange, congratulating Wilbur and Marie Clark on their 65th Wedding Anniversary;

**Request No. 57**, by Representative Dahl, congratulating Nova and Merle Bruner and Blanche and Charles Cowan on their Wedding Anniversaries;

**Request No. 58**, by Representative Hutchins, congratulating Mike Ford on receiving an Aerospace Education Foundation Educator Grant;

**Request No. 59**, by Representative Hutchins, congratulating Jason Larison on being named the 2005 state winner of the Young Teacher of the Year Award;

**Request No. 60**, by Representative Hutchins, congratulating Edith B. McGehe-Cox on her 100th Birthday;

**Request No. 61**, by Representative Krehbiel, congratulating the Moundridge High School Debate Team on winning the 2006 Class 3-2-1A State Championship;

**Request No. 62**, by Representative Mays, congratulating Kevin Rigglin on achieving the rank of Eagle Scout;

**Request No. 63**, by Representative Weber, congratulating Louise Habacker for over thirty years of service to Dickinson County;

**Request No. 64**, by Representative Siegfried, congratulating Janelle Wehr, Erin Waggoner, Katie Mehan, Sarah Gamber and Jennifer Brovont on earning the Girl Scout Gold Award;

**Request No. 65**, by Representative Ballard, congratulating Henry Reiske on attaining the rank of Eagle Scout;

**Request No. 66**, by Representative Hutchins, congratulating the Holton Wildcat Football Team on winning the 4-A State Football Championship;

**Request No. 67**, by Representative Proehl, congratulating Johnathon R. Blake and Christopher D. Mowder on being named to the Washburn President's Honors Program;

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 were thereupon introduced and read by title:

**HB 2956**, An act concerning the Kansas water pollution control revolving fund; relating to allocations from such fund; amending K.S.A. 65-3322 and repealing the existing section, by Committee on Appropriations.

**HB 2957**, An act making and concerning appropriations for the fiscal years ending June 30, 2007, and June 30, 2008, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

**HB 2958**, An act making and concerning appropriations for the fiscal years ending June 30, 2006, and June 30, 2007, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations.

#### CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **HB 2093** from Committee on Calendar and Printing and rereferral to Committee on Governmental Organization and Elections.

#### REPORT ON ENGROSSED BILLS

**HB 2342** reported correctly engrossed February 16, 2006.

#### REPORT ON ENROLLED BILLS

**HB 2608**, **HB 2628**, **HB 2629**, **HB 2630**, **HB 2631** reported correctly enrolled, properly signed and presented to the governor on February 17, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, February 20, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

