

Journal of the House

FORTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 10, 2006, 8:45 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 115 members present.
Rep. Huff and Kelsey were excused on legislative business.
Reps. Holland, Masterson, O'Neal, Powers, Watkins, Weber, Winn and Yonally were excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Holy God, we praise your name. Lord of all, we bow before you. As the day begins, we turn our hearts to you: to honor your name, to seek your will, to ask for the strength we need for the day ahead.

Be with us today, Lord, as we live our lives. Each heartbeat, each breath of fresh air, each moment of life is your gift to us. Help us to live them productively, with a deep appreciation for the many opportunities we will have to please you as we live in your will. Protect us from the pitfalls of life. Shield us from temptation to the things that seduce us into believing that there is joy apart from you. Above all, O God, protect us from our own self-delusion: from imagining that we are wise enough, or clever enough, or strong enough to make it on our own, to figure it out for ourselves, or to get it done alone. Keep us grounded in your word and in your love; this day and in the days to come. Amen.

The Pledge of Allegiance was led by Rep. Hawk.

INTRODUCTION OF GUESTS

Rep. O'Malley introduced the following who were instrumental in the Law Enforcement Torch Run which began in Wichita in 1981 and serves as the largest grass-roots fund-raiser for the Special Olympics: Lt. Mark Malick, Saline County Sheriff's Department and current director of Kansas Law Enforcement Torch Run; Retired Wichita Police Chief Richard LaMunyon, Founder of Law Enforcement Torch Run; Sgt. Derrick Mahoney, Capitol Police; Police Chief Dennis Shaw, McPherson; Jack Leon, Project Manager with Kansas Law Enforcement Training Center, of Wichita; Trooper Hillary Alters, Kansas Highway Patrol; Officer Kristi Powell, Topeka Police Department; and Lt. Brian Donovan, Iola Police Department. Rep. O'Malley presented them with certificates.

Also in attendance were Chris Hahn, President and CEO of Special Olympics Kansas; Donna Zimmerman, Vice President of Development, Special Olympics Kansas; Kelly Curran, Development Manager, Special Olympics Kansas; Chris Leon, son of Jack Leon; and Josh Alters, brother of Trooper Hillary Alters.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Thull, **HR 6017**, by Rep. Thull, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6017—

A RESOLUTION congratulating and commending Dr. John R. Morton.

WHEREAS, Dr. John R. Morton, Superintendent of Newton Public Schools, has been selected by the Kansas Association of School Administrators as the 2006 Kansas Superintendent of the Year; he has been selected also by eSchool News as a 2006 Tech Savvy Superintendent; and

WHEREAS, After graduating as the valedictorian of his class at Wichita High School South, Dr. Morton received his Bachelor of Arts, magna cum laude, from Wichita State University, his Master of Education from Wichita State University, being recognized as the Senior Honor Man, and his Doctorate of Education from the University of Houston, being recognized with the Oberholtzer Prize; and

WHEREAS, Dr. Morton commenced his teaching career in Wichita as a classroom teacher; he progressed to Assistant Principal at W.S. Hadley Junior High School and Associate Principal at Wichita High School North and Wichita High School East. Subsequently he was the Principal at the B.W. Truesdell Junior High School, Principal at Wichita High School West, and the Special Assistant and Assistant Superintendent for Wichita public schools. He was the Superintendent of the Winfield Public Schools USD 465 from 1997 to 2000, and he has been the Superintendent of the Newton Public Schools USD 373 since 2000; and

WHEREAS, Additionally, Dr. Morton has served as an adjunct professor at the University of Houston, Wichita State University, Southwestern College and Friends University teaching various courses in the education process. Since being at Newton he has been a division chairman for the United Way of Harvey County and a Greater Newton Foundation board member. He also has been a regular contributor to The Newton Kansan newspaper editorial page. He continues to be much in demand as a trainer and workshop leader for teacher continuing education; and

WHEREAS, Dr. Morton is married to Patricia K. Morton; they are the parents of two children and one grandchild: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we congratulate and commend Dr. John R. Morton upon his selection as the 2006 Kansas Superintendent of the Year; and

Be it further resolved: That the Chief Clerk of the House of Representatives provide an enrolled copy of this resolution to Dr. John R. Morton, Superintendent, Newton Public Schools USD 373, 308 East First, Newton, KS 67114-3846.

Rep. Thull introduced John R. Morton, Superintendent of the Newton Public Schools, who was named 2006 Kansas Superintendent of the Year. He was accompanied to the House by his wife, Patricia K. Morton.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 3009, An act concerning certain electric power plants; limiting mercury emissions, by Committee on Federal and State Affairs.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Financial Institutions: **HB 3008**.

COMMUNICATIONS FROM STATE OFFICERS

From Kansas Sentencing Commission, 2006 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

Announcing passage of **Sub. SB 322**; **SB 579**.

Announcing passage of **HB 2617**, **HB 2626**, **HB 2704**, **HB 2759**.

Announcing passage of **HB 2610**, as amended.

Also, announcing passage of **SB 569, SB 574**.

Announcing passage of **HB 2562, HB 2574, HB 2606, HB 2607, HB 2665, HB 2703, HB 2757**.

Announcing passage of **HB 2118**, as amended; **HB 2592**, as amended.

The Senate concurs in House amendments to **SB 275**.

The Senate nonconcurrs in House amendments to **SB 62**, requests a conference and has appointed Senators Umbarger, Emler and Barone as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 322; SB 569, SB 574, SB 579.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 62**.

Speaker Mays thereupon appointed Reps. Edmonds, Siegfried and Burroughs as conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6018—

By Representatives Ballard, Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, 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, Kuether, 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 and Yonally

A RESOLUTION in memory of Gordon Parks.

WHEREAS, Gordon Parks, one of Kansas' most famous sons, died March 7 in New York City at age 93. Born in Fort Scott as the youngest of 10 children, few would envision that he would become internationally recognized as one of America's true Renaissance personalities; and

WHEREAS, Mr. Parks attended a segregated grade school and an integrated high school in Fort Scott, but a high school in which black students could not participate in school sports or attend school social events. His mother died when he was age 15, and he was sent to live with an aunt in Minnesota. Subsequently he married, had three children and worked as a railway dining car waiter and porter. His life might have continued uneventfully but for the fateful purchase of a Voitlander Brilliant camera for \$7.50 in Seattle, Washington, in 1937; and

WHEREAS, Mr. Parks called his camera his weapon against poverty and racism. He became a photographer for the Farm Security Administration creating documentaries. His most famous photograph was shot in 1942 showing charwoman Ella Watson in front of an American flag which he entitled "American Gothic". In 1948 he was hired as a staff photographer for Life Magazine, and for the next 20 years he established himself as a premier photojournalist covering Harlem gangs, the Black Panthers and poverty in America and abroad; and

WHEREAS, His career expanded when he wrote a childhood memoir called "The Learning Tree". He later directed a movie version of this book to become the first African-

American to direct a major Hollywood production. He won an Emmy for his documentary, "Diary of a Harlem Family", and returned to Hollywood to direct the movie "Shaft" which would be the first of many black oriented movies. He wrote the musical score for a PBS special ballet "Martin" which was shown on Martin Luther King's birthday in 1990; and

WHEREAS, Mr. Parks was named the Kansan of the Year in 1986, received the Kansas Arts Commission's Distinguished Arts Award in 1988, was awarded the National Medal of Arts in 1989 for his autobiographical film "Moments without Proper Names", was inducted into the International Photography Hall of Fame in 2002 and received the University of Kansas' William Allen White Foundation National Citation for journalistic merit in 2004; and

WHEREAS, Mr. Parks' attitude toward Kansas changed over the years, and he declared in 1998 that he had made peace with Kansas. Parks announced last month he wanted to be buried in his hometown of Fort Scott. "That is my home and this is what I want to go back to," Parks said near the end of a videotaped interview played February 10 at The University of Kansas, where he was honored with the William Allen White Foundation National Citation. He will be buried at Fort Scott on March 16: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we honor a great Kansan who used his unique skills to combat prejudice and for the enjoyment his work gave many people. We are proud to have his final resting place in Kansas soil.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Crow moved, pursuant to House Rule 2303, that the House reconsider its action on **H. Sub. for SB 207** in adoption of the Committee of the Whole Report on March 9 (see HJ, p. 1368) and that the substitute bill be considered on General Orders on Monday, March 13. The motion prevailed.

CONSENT CALENDAR

Objection was made to **SB 405, SB 432, SB 550** appearing on the Consent Calendar; the bills were placed on the calendar under the heading of General Orders.

No objection was made to **HB 2949, HB 2956; SB 436** appearing on the Consent Calendar for the first day.

No objection was made to **SB 515** appearing on the Consent Calendar for the second day.

No objection was made to **SB 354** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker Mays announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over today.

REPORTS OF STANDING COMMITTEES

Committee on **Environment** recommends **SB 453** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Federal and State Affairs** recommends **HB 2912** be passed.

Committee on **Federal and State Affairs** recommends **HB 2754** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Governmental Organization and Elections** recommends **SB 497** be passed and, because the committee is of the opinion that the bill is of a noncontroversial nature, be placed on the consent calendar.

Committee on **Health and Human Services** recommends **HB 2813** be passed.

REPORT OF STANDING COMMITTEE

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

Request No. 93, by Representative McKinney, commending Norwich High School in recognition of their Students Against Drunk Driving program;

Request No. 94, by Representative Pottorff, commending Junior League of Wichita on their outstanding volunteer service to the community;

Request No. 95, by Representative Landwehr, commending members of the Wichita Police Department on the capture and conviction of BTK;

Request No. 96, by Representative Huff, commending the Cold War Veterans Association;

Request No. 97, by Representative O'Malley, commending the Law Enforcement Torch Run;

Request No. 98, by Representative Schwartz, congratulating Mr. and Mrs. Chuck Hula on their 60th wedding anniversary;

Request No. 99, by Representatives Dan Johnson and Eber Phelps, commending John R. Brethour on being named the 2006 Stockman of the Year;

Request No. 100, by Representative Jim Morrison, commending Don Laughlin, Rich Morton, Mimi Roberson, Dorothy Struble, Doug Zehner and Mark Chankij on establishing connectivity between Presbyterian/St. Luke's Medical Center and the Health and Human Services Committee;

Request No. 101, by Representative Feuerborn, congratulating Jacob Gunnar Schaindst on achieving the rank of Eagle Scout;

Request No. 102, by Representative Faust-Goudeau, honoring the men and women of the Commemorative Air Force at the Salute to Valor;

Request No. 103, by Representative Mah, congratulating Sydney Tast on attaining the Girl Scout Gold Award;

Request No. 104, by Representative Proehl, honoring Victor George on his 93rd birthday;

Request No. 105, by Representative Henderson, congratulating Zeta Phi Beta Sorority on hosting the Midwestern Region Conference;

Request No. 106, by Representative Otto, congratulating Mr. and Mrs. Ernest E. Hyatt on their 60th wedding anniversary;

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.

COMMITTEE ASSIGNMENT CHANGE

Speaker Mays announced that Rep. Merrick would replace Rep. Weber on Committee on Appropriations.

On motion of Rep. Aurand, the House recessed until 11:30 a.m.

LATE MORNING SESSION

The House met pursuant to recess with Speaker Mays in the chair.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce and Labor** recommends **SB 461** be passed.

Committee on **Environment** recommends **SB 386** be amended on page 1, following line 32, by inserting:

“(f) “Deciview” means an atmospheric haze index that expresses changes in visibility conditions as defined in 40 C.F.R. 51.301 as in effect on July 1, 2005.”;

By relettering the remaining subsections accordingly;

On page 2, in line 9, by striking “that is” and inserting “, measured in deciviews, occurring over a large geographic area”; in line 10, by striking “emission of” and inserting “cumulative emissions of gaseous and particulate”; also in line 10, by striking all following “sources”; in line 11, by striking all preceding the period;

On page 3, in line 26, by striking "Implement" and inserting "Conduct"; preceding line 30, by inserting:

"(r) Prepare and adopt a regional haze plan as may be necessary to prevent, abate and control air pollution originating in Kansas that affects air quality in Kansas or in other states or both. Any regional haze plan prepared by the secretary shall be no more stringent than is required by 42 U.S.C. 7491.

(s) Participate in the activities of any visibility transport commission established under 42 U.S.C. 7492. The secretary shall report to the governor and the legislature on the activities of any such visibility transport commission annually.";

And the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2345** be amended on page 1, by striking all in lines 13 through 25 and inserting:

"Section 1. The Kansas state high school activities association and its member high schools, and administrators, principals, coaches, teachers and others affiliated with such association and member high schools, shall not adopt any rules and regulations or interpret any existing rule and regulation in any manner which would prohibit a student athlete from training with any Kansas state high school league-sponsored sport or competition while the student athlete is participating in nonschool swimming athletic training or diving athletic training, or both, during the high school sport season and throughout the year if:

(a) The nonschool swimming athletic training or diving athletic training, or both, is under the jurisdiction of and sanctioned by the national governing body of the sport, U.S.A. Swimming, Inc., or U.S.A. Diving, Inc.; and

(b) the student athlete meets the reasonable and ordinary school-established requirements for participation in the student athlete's high school swimming program or diving program, or both.";

And the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **HB 2577** be amended on page 1, in line 18, by striking "in the pro-"; in line 19, by striking "cess of";

On page 2, in line 31, by striking "that the force used was unlawful" and inserting "for the arrest"; in line 32, by striking all after "costs"; in line 33, by striking all before "and";

On page 3, in line 2, by striking all after "person" the second time it appears; in line 3, by striking all before the period; in line 13, by striking the third "or"; in line 14, by striking all before the period; in line 30, by striking "the imminent commission of a forcible felony" and inserting "imminent death or great bodily harm to such person or another"; and the bill be passed as amended.

Committee on **Governmental Organization and Elections** recommends **SB 498** be amended on page 1, in line 26, by striking "annually"; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2396** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL No. 2396," as follows:

"Substitute for HOUSE BILL No. 2396

By Committee on Health and Human Services

"AN ACT concerning all colleges and universities; relating to students residing in student housing; requiring policies regarding vaccination for meningitis."; and the substitute bill be passed.

(**Sub. HB 2396** was thereupon introduced and read by title.)

REPORT ON ENROLLED BILLS

HB 2485 reported correctly enrolled, properly signed and presented to the governor on March 10, 2006.

REPORT ON ENROLLED RESOLUTIONS

HR 6011 reported correctly enrolled and properly signed on March 10, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Monday, March 13, 2006.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

