

# Journal of the House

SIXTY-FOURTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, May 4, 2006, 10:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 119 members present.  
Rep. Powers was excused on verified illness.  
Reps. Carter, Freeborn, Grange, Landwehr and Schwartz were excused on excused absence by the Speaker.  
Present later: Reps. Freeborn, Grange, Landwehr and Schwartz.

Prayer by Chaplain Chamberlain:

Lord, God, Father Almighty; it is in you and you alone that we have our being. It is to you and you alone that we pray.

We pray today in continued thanksgiving for the rain that feeds crops and restores reservoirs. It is a good way to celebrate the spring. We are also thankful for the celebrations that are beginning in our communities as young men and women graduate. We are thankful for the gift of their education, for the teachers and counselors and administrators and coaches who nurtured them and taught them; not only the specifics of their schoolwork, but also what it takes to be a faithful and honorable citizen. We ask your blessing on their time of celebration and on the new paths that they will take.

As the bodies of this legislature search for the answers to difficult questions and look forward to the conclusion of their work, we pray that they also will experience a sense of accomplishment and celebration in the knowledge that they have joined with teachers and administrators and counselors and coaches in serving the children of our state.

Thanks be to you O God, our Great Teacher. Amen.

The Pledge of Allegiance was led by Rep. Swenson.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committee as indicated:

Taxation: **HB 3022**.

## MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **H. Sub. for SB 52**.

The Senate adopts conference committee report on **SB 366**.

The Senate adopts conference committee report on **SB 528**.

The Senate not adopts the conference committee report on **SB 506**, requests a new conference committee be appointed and has appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2576** and has appointed Senators Vratil, Bruce and Goodwin as fourth conferees on the part of the Senate.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, the House acceded to the request of the Senate for a conference on **SB 506**.

Speaker Mays thereupon appointed Reps. O'Neal, Kinzer and Pauls as second conferees on the part of the House.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2129**.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2541**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, in line 43, before "when", by inserting "of a person 15 years of age";

On page 2, in line 1, by striking "under the age of 16 years" and inserting "15 years of age";

And your committee on conference recommends the adoption of this report.

PETE BRUNGARDT  
ROGER P. REITZ  
ANTHONY HENSLEY  
*Conferees on part of Senate*

JOHN T. EDMONDS  
ARLEN H. SIEGFREID  
TOM BURROUGHS  
*Conferees on part of House*

On motion of Rep. Edmonds, the conference committee report on **HB 2541** was adopted.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Cox, Craft, Crow, Dahl, Davis, DeCastro, Decker, Dillmore, Edmonds, Fa-ber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, 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, 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, Proehl, Roth, Ruff, Ruiz, Sawyer, Schwab, B. Sharp, S. Sharp, Shultz, Siegfroid, 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, Freeborn, Grange, Landwehr, Powers, Schwartz.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2129**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 17 through 43;

On page 2, by striking all in lines 1 through 17 and inserting the following:

“Section 1. K.S.A. 2005 Supp. 22-4507, as amended by section 5 of 2006 Senate Bill No. 505, is hereby amended to read as follows: 22-4507. (a) An attorney, other than a public defender or assistant public defender or contract counsel, who is appointed by the court to perform services for an indigent person, as provided by ~~this act~~ *article 45 of chapter 22 of the Kansas Statutes Annotated, and amendments thereto*, shall at the conclusion of such service or any part thereof be entitled to compensation for such services and to be reimbursed for expenses reasonably incurred by such person in performing such services. Compensation for services shall be paid in accordance with standards and guidelines contained in rules and regulations adopted by the state board of indigents’ defense services under this section.

(b) Claims for compensation and reimbursement shall be certified by the claimant and shall be presented to the court at sentencing. A supplemental claim may be filed at such later time as the court may in the interest of justice determine if good cause is shown why the claim was not presented at sentencing. In accordance with standards and guidelines adopted by the state board of indigents’ defense services under this section, all such claims shall be reviewed and approved by one or more judges of the district court before whom the service was performed, or, in the case of proceedings in the court of appeals, by the chief judge of the court of appeals and in the case of proceedings in the supreme court, by the departmental justice for the department in which the appeal originated. Each claim shall be supported by a written statement, specifying in detail the time expended, the services rendered, the expenses incurred in connection with the case and any other compensation or reimbursement received. When properly certified and reviewed and approved, each claim for compensation and reimbursement shall be filed in the office of the state board of indigents’ defense services. If the claims meet the standards established by the board, the board shall authorize payment of the claim.

(c) *Such attorney shall be compensated at the rate of \$80 per hour.* If the state board of indigents’ defense services determines that the appropriations for indigents’ defense services or the moneys allocated by the board for a county or judicial district will be insufficient in any fiscal year to pay in full claims filed and reasonably anticipated to be filed in such year under this section, the board may adopt a formula for prorating the payment of pending and anticipated claims under this section.

(d) The state board of indigents’ defense services may make expenditures for payment of claims filed under this section from appropriations for the current fiscal year regardless of when the services were rendered.

(e) The state board of indigents’ defense services shall adopt rules and regulations prescribing standards and guidelines governing the filing, processing and payment of claims under this section.

(f) An attorney, other than a public defender, assistant public defender or contract counsel, who is appointed by the court to perform services for an indigent person and who accesses electronic court records for an indigent person, as provided by this act, shall be exempt from paying fees to access electronic court records.”;

Also on page 2, in line 18, after “22-4507” by inserting “, as amended by section 5 of 2006 Senate Bill No. 505,”;

In the title, in line 13, after “22-4507” by inserting “, as amended by section 5 of 2006 Senate Bill No. 505,”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

MICHAEL R. O’NEAL  
LANCE KINZER  
JANICE L. PAULS  
*Conferees on part of House*

On motion of Rep. O'Neal, the conference committee report on **HB 2129** was adopted.  
On roll call, the vote was: Yeas 74; Nays 47; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Burroughs, Colloton, Cox, Craft, Crow, Davis, DeCastro, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Huntington, D. Johnson, E. Johnson, Kelsey, Kinzer, Kirk, Knox, Kuether, Lane, Light, Loganbill, Long, Loyd, Mah, Mays, McKinney, Menghini, M. Miller, Jim Morrison, Myers, O'Malley, O'Neal, Owens, Pauls, Peterson, Phelps, Proehl, Roth, Ruff, Ruiz, Sawyer, B. Sharp, S. Sharp, Shultz, Sloan, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlin, Carlson, Dahl, Decker, Edmonds, Faber, Freeborn, Goico, Gordon, Hayzlett, Huebert, Humerickhouse, Hutchins, Huy, Kelley, Kiegerl, Kilpatrick, Krehbiel, Landwehr, Lukert, Mast, Masterson, McCreary, McLeland, Merrick, F. Miller, Judy Morrison, Neufeld, Oharah, Olson, Otto, Peck, Pilcher-Cook, Pottorff, Powell, Schwab, Siegfried, Tafanelli, Watkins, Weber, Wilk.

Present but not voting: None.

Absent or not voting: Carter, Grange, Powers, Schwartz.

On motion of Rep. Aurand, the House recessed until 2:00 p.m.

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## AFTERNOON SESSION

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

### MESSAGE FROM THE GOVERNOR

**HB 2856** approved on May 4, 2006.

### INTRODUCTION OF GUESTS

Rep. Hayzlett introduced Dr. Robert Moser, Tribune, who has served as President of the Kansas Academy of Family Physicians and has received the Academy's Family Physician of the Year Award for 2006. He was accompanied to the House by his parents, Bob and Margaret Moser.

### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Aurand, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **HB 2585**.

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Decker, the House concurred in Senate amendments to **HB 2585**. An act relating to school districts; relating to changing board member district boundaries; relating to assessed valuation of school districts; amending K.S.A. 72-6769 and repealing the existing section; also repealing K.S.A. 2005 Supp. 72-1071, by Representative Otto.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 117; Nays 2; Present but not voting: 0; Absent or not voting: 6.

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, Flora, Garcia, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, 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,

Proehl, Roth, Ruff, Ruiz, Sawyer, 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: Freeborn, Gatewood.

Present but not voting: None.

Absent or not voting: Carter, Huebert, Kiegerl, Kirk, Powers, Weber.

**REPORT ON ENGROSSED BILLS**

**HB 3004** reported correctly re-engrossed May 2, 2006.

Also, **HB 2122**, **HB 2554**; **Sub. HB 2706**; **HB 2710**, **HB 2893** reported correctly re-engrossed May 3, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Friday, May 5, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

