

Journal of the House

TWENTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, February 6, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 123 members present.
Rep. Ruff was excused on verified illness.
Rep. Yoder was excused on excused absence by the Speaker.
Present later: Rep. Yoder.

Prayer by guest chaplain, the Rev. Phyllis Koumorowski, pastor, First United Methodist Church, Winfield, and guest of Rep. Trimmer:

This is not the first time that many of us have gathered together, seeking Divine Guidance. We did so, not long ago, as we remembered and honored our friend, Representative Judy Showalter. Let us continue to honor her work - our work - God's work - as we join together in an attitude of prayer.

Gracious God, we know you by many names and yet, You are One. We ask that you make us one: one in purpose, in hope, and in our commitment to the people and ideals we serve.

Grant us the Grace to focus not on what divides us, but by what unites us.

And grant us the wisdom and the courage to speak when words of justice need to be spoken— and to be silent when we really have nothing to say!

I ask, Lord, that as we do our work here, we recognize it is in the presence of the Holy. Make our work be holy as well—bringing blessing to the people of Kansas.

I pray that we may, once again in our hearts, join hands across the aisle—and that we do so each time we speak of our children, the impoverished, the hopeless and the powerless who have entrusted us, this day, to speak for them.

Guide us so that our commitment may be always to the greater good, our passion be for your people, and our cooperation and our humility in the service of our state and country be ever bi-partisan. Amen. God bless you.

The Pledge of Allegiance was led by Rep. Huy.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2821, An act concerning rules and regulations; relating to small businesses; establishing the regulatory flexibility act, by Committee on Commerce and Labor.

HB 2822, An act concerning taxation; relating to rate of tax on motor-vehicle fuel or special fuels near the state line, by Committee on Transportation.

HB 2823, An act relating to the commission on emergency planning and response; concerning the membership; amending K.S.A. 2005 Supp. 65-5721 and repealing the existing section, by Joint Committee on Kansas Security.

HB 2824, An act concerning pre-arranged funeral agreement accounts; eliminating the waiting requirement; amending K.S.A. 2005 Supp. 16-304 and repealing the existing section, by Committee on Health and Human Services.

HB 2825, An act providing for a mechanism to establish a data bank of qualified interpreters for certain purposes and to develop qualifications for such interpreters, by Committee on Health and Human Services.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to committees as indicated:

Agriculture: **HR 6010**.
 Appropriations: **HB 2817, HB 2818**.
 Health and Human Services: **HB 2820**.
 Judiciary: **HB 2819**.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills, appearing on the Calendar as "To Be Referred," were referred to committees as indicated:

Appropriations: **SB 339**.
 Environment: **SB 362**.
 Governmental Organization and Elections: **SB 336**.
 Judiciary: **SB 297**.
 Transportation: **SB 371, SB 411**.

CONSENT CALENDAR

No objection was made to **HB 2595, HB 2673** appearing on the Consent Calendar for the first day.

No objection was made to **HB 2560** 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

HB 2560, An act concerning the workers compensation fund; relating to powers and duties of the commissioner of insurance; abolishing the workers compensation fund oversight committee; amending K.S.A. 2005 Supp. 44-566a and repealing the existing section; also repealing K.S.A. 46-2401, 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, Carter, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Ruff, Yoder.

The bill passed.

HB 2572, An act concerning postsecondary educational institutions; relating to private and out-of-state institutions; amending K.S.A. 58-3046a, 72-4450, 72-4451, 72-4452, 74-3201b and 74-32,144 and repealing the existing sections, 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, Carter, 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, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Colloton, Ruff, Yoder.

The bill passed, as amended.

HB 2698, An act concerning sales taxation; relating to retailers' sales tax in Sherman county; amending K.S.A. 12-195b and K.S.A. 2005 Supp. 12-187 and 12-189 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 0; Absent or not voting: 2.

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, Freeborn, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, 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, Pottorff, Powell, Powers, Proehl, Roth, 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, Yonally.

Nays: Carter, M. Holmes, Huy, Pilcher-Cook.

Present but not voting: None.

Absent or not voting: Ruff, Yoder.

The bill passed.

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 2826, An act concerning crimes and punishments; relating to sentencing; amending K.S.A. 2005 Supp. 21-4717 and repealing the existing section, by Committee on Health and Human Services.

HB 2827, An act concerning pharmacists and pharmacy; relating to home health agencies maintaining an emergency medication kit; amending K.S.A. 65-1648 and repealing the existing section, by Committee on Health and Human Services.

HB 2828, An act concerning controlled substances; relating to sale or distribution near licensed day care, public parks, playgrounds or in presence of a person under 18 years of age; amending K.S.A. 2005 Supp. 65-4161 and 65-4163 and repealing the existing sections, by Committee on Health and Human Services.

HB 2829, An act concerning the secretary of health and environment; providing for regulation of clinics and facilities where office-based surgeries and special procedures are performed, by Committee on Health and Human Services.

HB 2830, An act concerning pharmacists and pharmacy; relating to registration of pharmacy technicians; amending K.S.A. 2005 Supp. 65-1663 and repealing the existing section, by Committee on Health and Human Services.

HB 2831, An act concerning pharmacists and pharmacy; relating to the accreditation council for pharmacy; amending K.S.A. 65-1635a and repealing the existing section, by Committee on Health and Human Services.

HB 2832, An act increasing jurors' fees; amending K.S.A. 43-171 and repealing the existing section, by Committee on Judiciary.

REPORT ON ENROLLED RESOLUTIONS

HR 6005 reported correctly enrolled and properly signed on February 6, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Tuesday, February 7, 2006.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

