

# Journal of the House

THIRTY-FIRST DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, February 21, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.  
The roll was called with 124 members present.  
Rep. Brunk was excused on excused absence by the Speaker.

Prayer by Chaplain Chamberlain:

Gracious God, we are thankful today that you never tire of hearing our prayers. You are the One who hears us and answers us in our joy and our sorrows, in our victories and our defeats, in our coming in and our going out. Thank you God for your faithful presence with us.

As we gather in your presence today, bless each one of us for the day that lies ahead. We do not yet know all that it will bring or the people whom we will meet as we travel through it. Make us alert to the occasions when we can share your love. Help us to see the one who needs to experience a moment of grace or comfort or compassion. Make us sensitive to the lives around us so that, if it is your will, we might become the instruments of your peace in the life of another. Let those in our wake this day feel the blessing of all that you have shared with us so that at the end of the day our world might have been blessed by our travel through it.

Bless especially Representative Brunk's daughter as she struggles with her injuries and her parents as they care for her.

God of all good, hear our prayer. Amen.

The Pledge of Allegiance was led by Rep. Brown.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2968**, An act making and concerning appropriations for the fiscal year ending 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; amending K.S.A. 55-193 and K.S.A. 2005 Supp. 2-223, 75-2319, 76-775, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections, by Committee on Appropriations.

**HB 2969**, An act regulating traffic; concerning reckless driving; amending K.S.A. 8-1566 and repealing the existing section, by Committee on Federal and State Affairs.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2967**.

Federal and State Affairs: **HB 2961, HB 2962, HB 2963, HB 2964, HB 2966**.

Financial Institutions: **HB 2965**.

Taxation: **HB 2959, HB 2960**.

**MESSAGE FROM THE GOVERNOR**

**HB 2698** approved on February 21, 2006.

**CONSENT CALENDAR**

No objection was made to **HB 2824** 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 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, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed.

**HB 2562**, An act concerning adoption; relating to home study assessments; amending K.S.A. 59-2132 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed.

**HB 2606**, An act; concerning crimes, punishment and criminal procedure; relating to theft of services; amending K.S.A. 2005 Supp. 21-3704 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2610.** An act concerning civil procedure; relating to service outside the state; jurisdiction; amending K.S.A. 60-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2616.** An act concerning criminal procedure; relating to preliminary examinations; amending K.S.A. 2005 Supp. 22-2902 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed.

**HB 2617.** An act concerning crimes and punishment; relating to violation of a protective order; amending K.S.A. 2005 Supp. 21-3843 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2626.** An act relating to missing and unidentified persons; amending K.S.A. 75-712b, 75-712c and 75-712d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2665.** An act concerning adoption; relating to the termination of parental rights; amending K.S.A. 59-2136 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2716.** An act concerning water; granting an easement for construction of diversion works along the Kansas river, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.

Present but not voting: None.

Absent or not voting: Brunk.

The bill passed, as amended.

**HB 2735.** An act relating to real estate loans; concerning the appraised value; amending K.S.A. 2005 Supp. 16a-1-301 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 86; Nays 38; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Brown, Burgess, Burroughs, Carlson, Carter, Colloton, Craft, Crow, Davis, Dillmore, Faber, Faust-Goudeau, Flaharty, Flora, Garcia, Gatewood, George, Goico, Grange, Grant, Hayzlett, Henderson, Henry, Hill, C. Holmes, Huebert, Huff, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kilpatrick, Kinzer, Kirk, Knox, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McKinney, Merrick, M. Miller, Jim Morrison, Judy Morrison, Neufeld, O'Malley, Oharah, Olson, Otto, Owens, Peterson, Phelps, Pilcher-Cook, Pottorff, Roth, Ruff, Ruiz, Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Thull, Treaster, Trimmer, Vickrey, Ward, Watkins, Williams, Winn, Yonally.

Nays: Beamer, Bethell, Carlin, Cox, Dahl, DeCastro, Decker, Edmonds, Feuerborn, Freeborn, Gordon, Hawk, Holland, M. Holmes, Horst, Humerickhouse, Huntington, Hutchins, Kiegerl, Krehbiel, Landwehr, Mah, McLeland, Menghini, F. Miller, Myers, O'Neal, Pauls, Peck, Powell, Powers, Proehl, Sloan, Tafanelli, Weber, Wilk, Wolf, Yoder.

Present but not voting: None.  
 Absent or not voting: Brunk.  
 The bill passed, as amended.

**HR 6010.** A resolution congratulating and commending the Kansas Pork Association on its 50th anniversary, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Yonally.

Nays: None.  
 Present but not voting: None.  
 Absent or not voting: Brunk.  
 The resolution was adopted, as amended.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Jim Morrison, the House concurred in Senate amendments to **HB 2284**, An act relating to breastfeeding mothers; concerning right to breastfeed; jury duty while breastfeeding; amending K.S.A. 43-158 and repealing the existing section. On roll call, the vote was: Yeas 119; Nays 4; Present but not voting: 1; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Brown, 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, Horst, Huebert, Huff, Humerickhouse, Huntington, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, 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, Peterson, Phelps, 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: M. Holmes, Knox, Peck, Pilcher-Cook.  
 Present but not voting: Landwehr.  
 Absent or not voting: Brunk.

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

#### COMMITTEE OF THE WHOLE

On motion of Rep. Carter, Committee of the Whole report, as follows, was adopted:  
 Recommended that **HB 2798**, **HB 2613**, **HB 2758** be passed.

**HB 2414** be passed over and retain a place on the calendar.

Committee report to **HB 2696** be adopted; and the bill be passed as amended.

Committee report to **HB 2836** be adopted; also, on motion of Rep. Peck be amended on page 6, in line 24, after "owns" by inserting "50 or"; also in line 24, by striking "than 250"; also in line 24, after the semicolon, by inserting "or"; after line 24, by inserting:

“(B) (i) The producer owns more than 50 hens but less than 250 hens;”;

Also on page 6, in line 25, by striking “(B)” and inserting “(ii)”; in line 26, by striking “(C)” and inserting “(iii)”; in line 28, by striking “(D)” and inserting “(iv)”; in line 30, by striking “(E)” and inserting “(v)”; in line 31, by striking “(F)” and inserting “(vi)”; and **HB 2836** be passed as amended.

Committee report to **HB 2578** be adopted; and the bill be passed as amended.

Committee report to **HB 2712** be adopted; and the bill be passed as amended.

Committee report to **HB 2757** be adopted; and the bill be passed as amended.

#### REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **HB 2833**, **HB 2835** be passed.

Committee on **Agriculture** recommends **HB 2432** be amended on page 1, in line 14, by striking “2004 Supp.”; in line 24, by striking “or willful or wanton”; in line 25, by striking “misconduct”; in line 26, by striking “2004 Supp.”;

Also on page 1, in the title, in line 10, by striking “2004 Supp.”; and the bill be passed as amended.

Committee on **Agriculture** recommends **HB 2899** be amended on page 1, in line 22, after “import” by inserting “, transport”; also in line 22, after “possess” by inserting “live”;

On page 2, after line 14, by inserting the following:

“(k) The provisions of this section shall not be construed to prevent owners or legal occupants of land or persons designated by such owners or legal occupants from killing any feral swine when found on their premises or when destroying property.”; and the bill be passed as amended.

Committee on **Commerce and Labor** recommends **HB 2772** be amended on page 1, in line 24, by striking “11506” and inserting “14504”; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **HB 2752** be passed.

Committee on **Health and Human Services** recommends **HB 2649** be amended on page 1, in line 14, by striking “through 4” and inserting “, 2 and 4”; by striking all in lines 16 through 43;

On page 2, by striking all in lines 1 through 25 and inserting the following:

“New Sec. 2. The Legislature finds and declares the following:

(a) A person suffering from pain should expect their report of pain to be taken seriously, and should expect to be treated with respect by health care professionals.

(b) A person suffering from pain should have access to and expect proper assessment and treatment of such person’s pain, while retaining the right to refuse treatment.

(c) A person’s health care professional may refuse to prescribe opiate medication for a patient who requests treatment for pain. However, that health care professional shall inform the patient that there are physicians who specialize in the treatment of pain with methods that include the use of opiate medication.

(d) A person suffering from pain may request that such person’s physician provide an identifying notice of such person’s prescription for purposes of emergency treatment or law enforcement identification.

(e) A health care professional treating a person who suffers from pain may prescribe opiate medications in a dosage deemed medically necessary to relieve such person’s pain.

(f) A person suffering from pain has the option to request or reject the use of any or all modalities to relieve such person’s pain, including the use of opiate medications to relieve pain without first having to submit to an invasive medical procedure such as surgery, destruction of a nerve or other body tissue by manipulation, or the implantation of a drug delivery system or device.

Sec. 3. K.S.A. 65-2838 is hereby amended to read as follows: 65-2838.

(a) The board shall have jurisdiction of proceedings to take disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against any licensee practicing under this act. Any such action shall be taken in accordance with the provisions of the Kansas administrative procedure act.

(b) Either before or after formal charges have been filed, the board and the licensee may enter into a stipulation which shall be binding upon the board and the licensee entering into such stipulation, and the board may enter its findings of fact and enforcement order based

upon such stipulation without the necessity of filing any formal charges or holding hearings in the case. An enforcement order based upon a stipulation may order any disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee entering into such stipulation.

(c) The board may temporarily suspend or temporarily limit the license of any licensee in accordance with the emergency adjudicative proceedings under the Kansas administrative procedure act if the board determines that there is cause to believe that grounds exist under K.S.A. 65-2836 and amendments thereto for disciplinary action authorized by K.S.A. 65-2836 and amendments thereto against the licensee and that the licensee's continuation in practice would constitute an imminent danger to the public health and safety.

(d) *The board shall not take disciplinary action against any licensee for prescribing, dispensing or administering controlled substances, including opioid analgesics, for a legitimate medical purpose and in the usual course of professional practice. The board shall consider prescribing, ordering, administering or dispensing controlled substances for pain to be for a legitimate medical purpose if based on sound clinical grounds. The board shall adopt guidelines for the use of controlled substances for the treatment of pain. In the event a licensee's use of controlled substances has been questioned by another regulatory or enforcement agency and such licensee has prescribed, dispensed or administered controlled substances, including opioid analgesics, in accordance with guidelines adopted by the board, the board shall support the licensee in response to the other regulatory or enforcement agency.*

New Sec. 4. Nothing in this act shall be construed to prohibit disciplinary action by the state board of healing arts or interfere with the investigative authority of any law enforcement agency.”;

On page 4, in line 28, by striking the comma where it appears for the last time and inserting “or”; in line 30, after the stricken material, by inserting “that is inadequate, excessive, improper or inappropriate given all the medical facts relating to the patient, is not”; also in line 30, by striking “other than”; in line 31, after “or” by inserting “is”;

On page 6, in line 1, by striking “and” and inserting a comma; also in line 1, after “65-2837”, by inserting “and 65-2838”;

In the title, in line 10, by striking the first “and” and inserting a comma; also in line 10, after “65-2837”, by inserting “and 65-2838”; and the bill be passed as amended.

Committee on **Transportation** recommends **HB 2951** be passed.

Committee on **Transportation** recommends **SB 373** 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 **Utilities** recommends **HB 2927** be passed.

Committee on **Utilities** recommends **HB 2932** be amended on page 2, in line 18, by striking “The” and inserting “At the option of an otherwise jurisdictional entity, the”; after line 36, by inserting:

“(h) The term “public utility” shall not include a wind powered electric generation facility which is not in the rate base of: (1) An electric public utility that is subject to rate regulation by the state corporation commission; (2) any cooperative, as defined by K.S.A. 17-4603, and amendments thereto, or any nonstock member-owned cooperative corporation incorporated in this state; or (3) a municipally owned or operated electric utility.”; and the bill be passed as amended.

Committee on **Wildlife, Parks and Tourism** recommends **HB 2872** be passed.

Committee on **Wildlife, Parks and Tourism** recommends **HCR 5034** be amended on page 1, in line 13, by striking “southwestern” and inserting “central”; also in line 13, by striking “a state park”; and the concurrent resolution be adopted as amended.

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 2970.** An act concerning taxation; relating to sales tax receipts; creating the county ad valorem tax reduction fund; providing for transfers thereto and allocations and distributions therefrom, by Committee on Taxation.

**HB 2971.** An act concerning the department of health and environment; relating to education and screening for congenital hypothyroidism, galactosemia; phenylketonuria and other genetic diseases and disorders; assistance for certain expenses; amending K.S.A. 65-180 and repealing the existing section, by Committee on Appropriations.

#### **SELECT COMMITTEE**

In accordance with Joint Rule 4 (c) and (d) of the Joint Rules of the Senate and House of Representatives, Select Committee on Veterans Affairs is authorized by Speaker Mays as a committee exempt from the deadline for consideration of bills.

#### **REPORT ON ENGROSSED BILLS**

**HB 2606, HB 2610, HB 2617, HB 2626, HB 2665, HB 2716, HB 2735** reported correctly engrossed February 20, 2006.

#### **REPORT ON ENGROSSED RESOLUTIONS**

**HR 6010** reported correctly engrossed February 20, 2006.

On motion of Rep. Aurand, the House adjourned until 11:00 a.m., Wednesday, February 22, 2006.

CHARLENE SWANSON, *Journal Clerk.*

JANET E. JONES, *Chief Clerk.*

