

Journal of the House

THIRTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 2, 2006, 11:00 a.m.

The House met pursuant to adjournment with Speaker Mays in the chair.
The roll was called with 121 members present.
Rep. Cox was excused on legislative business.
Reps. Henry, Huntington and Jim Morrison were excused on excused absence by the Speaker.

Prayer by guest chaplain, the Rev. Rick Burcham of Perry, pastor, Williamstown Assembly of God Church, and guest of Rep. Otto:

Father in heaven, I thank you for these men and ladies whom you have placed in authority. I thank you for their willingness, for their integrity, for their individual zeal and enthusiasm in serving their fellow man. Help these men and women rule with wisdom and compassion.

I pray for their families. It is difficult for many to give so much of their time away from their loved ones in order to conduct the business of the State. I pray for your protection — physical, social and spiritual — for their children, husbands and wives who remain back in their districts. Keep their homes intact and healthy.

I pray for their physical wellness. No doubt the physical constraints of being a legislator, having other employment, traveling home on weekends, are demanding on their bodies. It is also a season of colds and flu, not to mention the various diseases and ailments that may afflict us all. Heal their bodies. Strengthen their minds. Renew them physically.

Lord, we really need rain in Kansas. We don't have to tell you that we are in drought conditions through most of the state. And being dependent on agriculture, this affects the economy of our whole state and region. It makes it difficult for these men and women to budget for the needs of our state.

That is a concern. But we are also concerned about people losing jobs, farmers losing their farms, businesses shutting down, if it doesn't rain. Have mercy on us and send us rain, stop the drought.

We ask all these things in Jesus' name. Amen.

The Pledge of Allegiance was led by Rep. Feuerborn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **HB 2991**.

Commerce and Labor: **HB 2990**.

Federal and State Affairs: **HB 2989, HB 2992**.

CHANGE OF REFERENCE

Speaker Mays announced the withdrawal of **SB 264** from Committee on Governmental Organization and Elections and referral to Committee on Financial Institutions.

Also, the withdrawal of **HB 2864** from Committee on Appropriations and rereferral to Committee on Higher Education.

Also, the withdrawal of **SB 329** from Select Committee on School Finance and referral to Committee on Education.

Also, the withdrawal of **SB 481** from Select Committee on School Finance and referral to Committee on Education.

MESSAGES FROM THE GOVERNOR

HB 2673 approved on March 1, 2006.

MESSAGE FROM THE SENATE

Announcing passage of **SB 480**, **SB 553**, **SB 577**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 480, **SB 553**, **SB 577**.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Sub. HB 2727, An act concerning state officers and employees; amending K.S.A. 75-5532 and 75-5534 and K.S.A. 2005 Supp. 75-5531 and 75-5533 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, 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, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, 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, 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: Bethell, Cox, Henry, Huntington, Jim Morrison.

The substitute bill passed.

HCR 5011, A concurrent resolution expressing the Legislature's recognition and appreciation for family caregivers throughout the state, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, 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, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, 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, 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: Bethell, Cox, Henry, Huntington, Jim Morrison.

The resolution was adopted, as amended.

HCR 5029. A concurrent resolution urging the United States Congress to prohibit the use of methyl tertiary butyl ether as an additive in gasoline by January 1, 2010, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, 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, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, 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, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, 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: Bethell, Cox, Henry, Huntington, Jim Morrison.

The resolution was adopted.

Sub. HCR 5030. A concurrent resolution urging the federal government to lift the moratorium on offshore drilling for oil and natural gas, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 20; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Carlin, Carlson, Carter, Craft, Crow, Dahl, DeCastro, Decker, Edmonds, Faber, Faust-Goudeau, Feuerborn, Freeborn, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, Hutchins, Huy, D. Johnson, E. Johnson, Kelley, Kelsey, Kiegerl, Kilpatrick, Kinzer, Knox, Krehbiel, Landwehr, Light, Loyd, Lukert, Mast, Masterson, Mays, McCreary, McKinney, McLeland, Menghini, Merrick, F. Miller, M. Miller, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Powell, Powers, Proehl, Roth, Ruff, Schwab, Schwartz, S. Sharp, Shultz, Siegfried, Sloan, Storm, Svaty, Swenson, Tafanelli, Thull, Vickrey, Watkins, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Burroughs, Davis, Dillmore, Flaharty, Flora, Garcia, Gatewood, Henderson, Kirk, Kuether, Lane, Loganbill, Long, Mah, Ruiz, Sawyer, B. Sharp, Treaster, Trimmer, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Cox, Henry, Huntington, Jim Morrison.

The substitute resolution was adopted.

HCR 5034. A concurrent resolution designating Cheyenne Bottoms the "Migratory Bird Capital of Kansas", was considered on final action.

On roll call, the vote was: Yeas 101; Nays 17; Present but not voting: 2; Absent or not voting: 5.

Yeas: Ballard, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Dahl, Davis, DeCastro, Dillmore, Edmonds, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Huy, D. Johnson, E. Johnson, Kelsey, Kiegerl, Kilpatrick, Kinzer, Kirk, Knox, Krehbiel, Kuether, Lane, Light, Loganbill, Long, Loyd, Lukert, Mah, Masterson, McCreary, McKinney, McLeland, Menghini, F. Miller, M. Miller, Judy Morrison, Myers, Neufeld, O'Malley, O'Neal, Oharah, Olson, Otto, Owens, Pauls, Peck, Peterson, Phelps, Pilcher-Cook, Pottorff, Proehl, Roth, Ruff, Ruiz,

Sawyer, Schwab, Schwartz, B. Sharp, S. Sharp, Shultz, Siegfried, Storm, Svaty, Swenson, Tafanelli, Thull, Treaster, Trimmer, Weber, Wilk, Williams, Winn, Wolf, Yoder, Yonally.

Nays: Aurand, Beamer, Decker, Faber, Freeborn, Humerickhouse, Hutchins, Kelley, Landwehr, Mast, Mays, Merrick, Powell, Powers, Vickrey, Ward, Watkins.

Present but not voting: Carter, Sloan.

Absent or not voting: Bethell, Cox, Henry, Huntington, Jim Morrison.

The resolution was adopted, as amended.

HR 6008. A resolution urging the United States army corps of engineers and the Kansas congressional delegation to approve a plan made by the state of Kansas to preserve and extend the life of the United States army corps of engineers administered lakes in the state of Kansas, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, 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, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, 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, 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: Bethell, Cox, Henry, Huntington, Jim Morrison.

The resolution was adopted, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2485**, An act concerning notaries public; prohibiting certain acts and providing penalties and remedies for violations amending K.S.A. 53-118 and repealing the existing section.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Carter, Colloton, 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, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Huff, Humerickhouse, 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, 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: Bethell, Cox, Henry, Huntington, Jim Morrison.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2611** and asked for a conference.

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

On motion of Rep. Hayzlett, the House nonconcurrent in Senate amendments to **HB 2732** and asked for a conference.

Speaker Mays thereupon appointed Reps. Hayzlett, Faber and Long as conferees on the part of the House.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Ruff, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2497**, **HB 2573** be passed over and retain a place on the calendar.

Committee report to **SB 62** be adopted; also, on motion of Rep. Kelsey be amended on page 3, in line 33, by striking the period; in line 35, after the stricken semicolon, by inserting “; and”; in line 37, by striking “; and” and inserting a period; by striking all in lines 38 through 40;

Also, on motion of Rep. Pottorff, **SB 62** be amended on page 4, after line 32, by inserting the following:

“Sec. 9. K.S.A. 38-129 is hereby amended to read as follows: 38-129. (a) The district court may grant the grandparents of an unmarried minor child reasonable visitation rights to the child during the child’s minority. *In pending litigation which involves child custody or visitation rights, the grandparents of such child shall have the right to intervene and request the court to consider granting the grandparents visitation rights based upon a finding that the visitation rights would be in the child’s best interests and when a substantial relationship between the child and the grandparent has been established.*

(b) The district court may grant the parents of a deceased person visitation rights, or may enforce visitation rights previously granted, pursuant to this section, even if the surviving parent has remarried and the surviving parent’s spouse has adopted the child. Visitation rights may be granted pursuant to this subsection without regard to whether the adoption of the child occurred before or after the effective date of this act.

Sec. 10. K.S.A. 60-1616 is hereby amended to read as follows: 60-1616. (a) *Parents.* A parent is entitled to reasonable parenting time unless the court finds, after a hearing, that the exercise of parenting time would seriously endanger the child’s physical, mental, moral or emotional health.

(b) *Grandparents and stepparents.* Grandparents and stepparents may be granted visitation rights. *In pending litigation which involves child custody or visitation rights, the grandparents of the child shall have the right to intervene and request the court to consider granting the grandparents visitation rights based upon a finding that the visitation rights would be in the child’s best interests and when a substantial relationship between the child and the grandparent has been established.*

(c) *Modification.* The court may modify an order granting or denying parenting time or visitation rights whenever modification would serve the best interests of the child.

(d) *Enforcement of rights.* An order granting visitation rights or parenting time pursuant to this section may be enforced in accordance with the uniform child custody jurisdiction and enforcement act, or K.S.A. 23-701, and amendments thereto.

(e) *Repeated denial of rights, effect.* Repeated unreasonable denial of or interference with visitation rights or parenting time granted pursuant to this section may be considered a material change of circumstances which justifies modification of a prior order of legal custody, residency, visitation or parenting time.

(f) *Court ordered exchange or visitation at a child exchange and visitation center.* (1) The court may order exchange or visitation to take place at a child exchange and visitation center, as established in K.S.A. 75-720 and amendments thereto.

(2) Any party may petition the court to modify an order granting visitation rights or parenting time to require that the exchange or transfer of children for visitation or parenting time take place at a child exchange and visitation center, as established in K.S.A. 75-720 and amendments thereto. The court may modify an order granting visitation whenever modification would serve the best interests of the child.

Sec. 11. K.S.A. 38-129 and 60-1616 are hereby repealed.”;
 And by renumbering the remaining section accordingly;
 In the title, in line 12, after “ACT” by inserting “concerning grandparents; relating to visitation by grandparents;”; in line 14, before the period, by inserting “; amending K.S.A. 38-129 and 60-1616 and repealing the existing sections”; and **SB 62** be passed as amended.
 Committee report to **SB 275** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture** recommends **SB 325** 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 2615** be 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 bill and concurrent resolution were thereupon introduced and read by title:

HB 2993, An act concerning workforce development; relating to senior citizens, by Committee on Taxation.

HOUSE CONCURRENT RESOLUTION No. 5041—

By Committee on Agriculture

A CONCURRENT RESOLUTION supporting a Taiwan-United States free trade agreement.

WHEREAS, Taiwan and the United States enjoy one of the most important economic and strategic international relationships; and

WHEREAS, Together, Taiwan and the United States promote a shared faith and respect for freedom, democracy and free market principles; and

WHEREAS, Taiwan and the United States have worked hand-in-hand to preserve peace and stability within the Asia-Pacific region and to help improve the lives of their citizens and people around the world; and

WHEREAS, Trade between Taiwan and the United States has increased significantly during the past decades, with the United States being Taiwan’s second largest source of imports and Taiwan being the eighth largest trading partner of the United States; and

WHEREAS, Taiwan is a major trading partner with the United States and also an important overseas market for United States agricultural products, and given the remarkable economic performance of Taiwan and the strong purchasing power of its 23,000,000 people, there are many opportunities to further expand bilateral trade between the United States and Taiwan; and

WHEREAS, Streamlined foreign investment procedures developed under a Taiwan-United States free trade agreement would lead to further investment by firms in both Taiwan and the United States and would create new business opportunities and new jobs; and

WHEREAS, A Taiwan-United States free trade agreement would encourage greater innovations and manufacturing efficiencies by stimulating joint technological development, practical applications and new cooperative ventures; and

WHEREAS, A recent study by the United States International Trade Commission supports the negotiation of a Taiwan-United States free trade agreement to further boost trade between the two countries and serve the broader interests of the United States in the Asia-Pacific region: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That we support the negotiations of a Taiwan-United States free trade agreement; and

Be it further resolved: That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the United States Secretary of State, the United States Secretary of Commerce, the United States Trade Representative and to each member of the Kansas Congressional Delegation.

REPORT ON ENGROSSED BILLS

HB 2159, HB 2645, HB 2658, HB 2659, HB 2671, HB 2771, HB 2772, HB 2858, HB 2867, HB 2875, HB 2893, HB 2916, HB 2928, HB 2938 reported correctly engrossed February 28, 2006.

Also, **HB 2432, HB 2554; Sub. HB 2561; HB 2576, HB 2607, HB 2649, HB 2667; Sub. HB 2706; HB 2710, HB 2748, HB 2753, HB 2756, HB 2788, HB 2809; Sub. HB 2829; HB 2874, HB 2899, HB 2951** reported correctly engrossed March 1, 2006.

REPORT ON ENGROSSED RESOLUTIONS

HCR 5011, HB 5034; HR 6008 reported correctly engrossed March 1, 2006.

On motion of Rep. Aurand, the House adjourned until 10:30 a.m., Friday, March 3, 2006.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

