

Journal of the House

FORTY-SEVENTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Thursday, March 18, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 124 members present.
Rep. Johnson was excused on verified illness.

Prayer by guest chaplain, the Rev. Jess Allen, pastor, Lamont Wesleyan Church, Lamont,
and guest of Rep. Mast:

Heavenly Father

Thank You that You hear all who call on Your name. Today I ask for Your presence here at the Capitol. You have told us to pray for those who are in leadership in particular for those who serve as political leaders because You have appointed them.

You have said through Your prophet Joel "I will pour out my Spirit upon all people. Your sons and daughters will prophesy. Your old men will dream dreams, and Your young men will see visions. In those days I will pour out my Spirit even on servants — men and women alike."

In these days of economic turmoil we need a sense of hope that can only come through Your presence. As these men and women struggle with leading our state I ask for Your wisdom to be poured out upon them. Give them the strength of character to lead out of this wisdom.

Our political system is set up to allow unity to flow out of conflict. To allow different ideas to clash in order to find consensus, and while it is not perfect I pray that You work through this process to bring out legislation that will make our state stronger and set out as an example on how to deal with adversity and overcome.

So today Father I call on Your name to accomplish Your will here on earth through these men and women as You would have it in heaven.

In Jesus' Name I pray. Amen.

The Pledge of Allegiance was led by Rep. Wetta.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Burgess, on behalf of Reps. Fund and S. Gatewood, are spread upon the journal:

I would like to congratulate the Seaman High School Baseball program on their 25th Anniversary season.

Over the years the Seaman baseball program has been recognized as one of the top high school baseball programs in Kansas. During the past ten seasons, the Seaman program has appeared in seven state championship games; winning five state titles, claiming two runner-up finishes and third place while compiling an overall record of 206-52.

During the 2006 and 2007 seasons the Vikings had a remarkable 41 game winning streak and finished the 2007 season ranked 31st nationally in Baseball America's final Top 50 poll.

The Seaman baseball team is the two time defending Class 5A State Champions and look forward to upcoming 2010 season!

The returning varsity players in 2010 are: seniors, Chris Bervert, Eric Brown, Dalton Picukonis, Ethan Schnieders; juniors, Sheldon Banks, Kenny Benoit, Eric Cheray, Jason Maler, and Tyler Munger. The coaches are Steve Bushnell, Mark Simoneau, Lance Dougan and Trent Oliva; and the athletic trainer is Mike Longhofer.

Seaman's Superintendent is Mike Mathes; the Principal is Ron Vinduska; and the Athletic Director is Brad Dietz.

Coach Steve Bushnell was presented with a framed House certificate.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Hineman are spread upon the journal:

Members of the body, I bring before you today Mr. Sonny Weinhardt of Grinnell, from my home district in Western Kansas. Accompanying him are his wife Joan, their son Charles of Lenexa with his wife Ann and son Henry, and Sonny's second son Mark, of Grinnell.

Sonny has had a long and illustrious career in his hometown of Grinnell, including serving on the City Council and as Mayor. He has been a member of the volunteer fire department and served as Fire Chief. He has been maintenance engineer and coach for Grinnell Public Schools. He has coached Little League Basketball, been a member of the Grinnell After-Harvest Committee, and was a founding member of the Cow Paddy Golf Course in Grinnell. Sonny served on the board of the Grinnell Credit Union and was an original member of the Grinnell Pride Committee.

These accomplishments alone are worthy of recognition, but they are not why we are honoring Sonny today. I have brought Sonny before you because of his long and illustrious career as an official for Kansas State High School athletics. Sonny began his career as a registered athletics official in 1952-53 at the age of seventeen. He recently retired after serving for 56 years.

During that time he officiated basketball 56 years, football 26 years, and volleyball seven years. He was assigned to postseason basketball tournament play for 26 years, football seven years, and volleyball three years. He officiated twenty basketball state championship tournaments, including the Grand State Tournament in 1975-76, the only year that event was conducted for boys basketball.

During Sonny's many years of service he was teamed with Senator Ralph Ostmeyer for 33 of those years. Ralph and Sonny were truly a team, and when they officiated an event the participants could be assured that they would do so accurately and fairly. It has been determined that Sonny is the longest serving athletics official in Kansas state history, and it is believed he may also hold that distinction on the national level.

Rep. Lukert also expressed a few remarks in honor of Mr. Weinhardt and congratulated him on his retirement.

Rep. Hineman presented Mr. Weinhardt with a framed House certificate.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2744, An act concerning school districts; enacting the school sports brain injury prevention act, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 447**; **SB 566**.

Announcing passage of **HB 2455**, **HB 2485**, **HB 2638**.

Announcing passage of **HB 2432**, as amended by **S. Sub. for HB 2432**; **HB 2440**, as amended; **HB 2469**, as amended; **HB 2482**, as amended; **Sub. HB 2575**, as amended; **HB 2656**, as amended; **HB 2668**, as amended.

The Senate concurs in House amendments to **SB 326**.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 200**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 461**, requests a conference and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 497**, requests a conference and has appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SCR 1615**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

Also, announcing passage of **SB 506**.

Announcing passage of **HB 2588**, **HB 2589**.

Announcing passage of **HB 2412**, as amended; **HB 2454**, as amended; **HB 2506**, as amended by **S. Sub. for HB 2506**; **HB 2566**, as amended; **HB 2605**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 447; SB 506, SB 566.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Bethell, **HCR 5034**, A concurrent resolution remembering Bryce Miller, was adopted.

There being no objection, the following remarks of Rep. Bethell are spread upon the journal:

It is a pleasure to stand before you today to remember and honor a person that is well known to many of us in this body.

Today I have with me the family of Bryce Miller, his wife Frances Miller, daughters Cheryl Roberts and Anita Fry and husband Steve, and granddaughter Meredith Fry.

We are here to honor the lifelong work of Bryce Miller who tirelessly labored for the improvement of the quality of life of persons in our society that suffer from mental illness. Mr. Miller served as a board member of Valeo Behavioral Health Care in Topeka for many years. He labored to have those who were forgotten, buried in unmarked graves on State property, remembered. He was instrumental in arranging the first ever "Mental Health and Seniors" presentation at the National Alliance on Mental illness.

Bryce demonstrated strength in living with his own mental illness, and its manifestations, in the public eye he helped give normalcy to the condition, and challenged Kansans to understand that those struggling with mental health issues need the same access to treatment, medication, support and recovery as those dealing with physical illness.

It is my pleasure to honor Bryce Miller.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Brunk, **HR 6027**, A resolution congratulating and commending Tiffany Nickel for being named Ms. Wheelchair Kansas 2010, was adopted.

There being no objection, the following remarks by Rep. Brunk are spread upon the journal:

Tiffany Nickel was named 2010 Ms. Wheelchair Kansas and donned a sash and crown in a Topeka hotel convention room Sunday.

The Wichita resident is a quadriplegic and the Executive Director of the Kansas Disability Coalition, Inc. She has taught special education in Wichita public schools for ten years.

Ms. Nickel has a passion for educating others about the abilities of people with disabilities. She does this by demonstrating her own abilities through her job and volunteer activities. She believes that anything is possible as long as you have a support system, as well as a great set of tires and a charged battery!

Tiffany has a spinal cord injury . . . but this spinal cord injury does not have Tiffany.

Rep. Brunk presented Tiffany with a House certificate.

CONSENT CALENDAR

No objection was made to **SB 541** appearing on the Consent Calendar for the second day.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2729. An act concerning cities and counties; creating energy management districts, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 52; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, T. Brown, Burgess, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, C. Holmes, Horst, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Prescott, Quigley, Rardin, Roth, Ruiz, Schwab, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Craft, Crum, DeGraaf, Donohoe, Faber, Fund, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Patton, Peck, Pottorff, Powell, Proehl, Rhoades, Schroeder, Schwartz, Seiwert, Siegfried, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: If **HB 2729** is put into law, it will open the door for government's direct involvement in our personal affairs; putting government in the business of loaning money for home improvements. Government will then be looking closely at our personal finances, appraised value of our homes, our personal income level, our personal debt level, etc. What is now handled by private business will be done by government. This intrusion is unnecessary. I vote NO!—FORREST J. KNOX

MR. SPEAKER: I vote no on **HB 2729**. While well intentioned and minor in scope, this bill ultimately represents the chronic erosion of free enterprise we facilitate by involving government in the free market. As supporters note, it places cities in a position of competitive financing. This provides them with an advantage over private lenders when dealing with home owners hoping to improve their property. If we wish to encourage this type of investment, we should be doing so with thoughtful public policy that incentivizes homeowners without growing the scope of government.—ARLEN SIEGFREID, RICHARD CARLSON, GARY HAYZLETT, MARIO GOICO, MARC RHOADES, LANCE KINZER, S. MIKE KIEGERL, JOE SEIWERT, PHIL HERMANSON, J. DAVID CRUM

SB 369. An act relating to open records; amending K.S.A. 45-219, 60-3351 and K.S.A. 2009 Supp. 38-2309, 45-221 and 45-229 and repealing the existing sections; also repealing K.S.A. 74-7405a and K.S.A. 2009 Supp. 45-22li, 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swan-

son, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

SB 386, An act concerning criminal procedure; relating to discovery and inspection; admissibility and certification of forensic examinations; allowing interactive video testimony in limited instances; amending K.S.A. 22-3212 and K.S.A. 2009 Supp. 22-3437 and repealing the existing sections; also repealing K.S.A. 22-3433, 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

SB 437, An act concerning the secretary of state; relating to filing requirements for resident agents; amending K.S.A. 17-6204, 56a-1001 and 56a-1102 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

SB 439, An act concerning the secretary of state; relating to the Kansas register; amending K.S.A. 75-431 and K.S.A. 2009 Supp. 75-430 and repealing the existing sections; also repealing K.S.A. 75-432, 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed, as amended.

SB 441, An act concerning corporations and business entities; relating to the merger of limited partnerships; amending section 11 of chapter 47 of the 2009 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 56-1a609, 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The bill passed.

H. Sub. for SB 458, An act concerning crimes, punishment and criminal procedure; relating to violations of the Kansas uniform securities act; amending K.S.A. 17-12a508 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, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff,

Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Johnson.

The substitute bill passed.

SB 544. An act concerning the metropolitan transit authority act; definitions; amending K.S.A. 12-2802 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 24; Present but not voting: 1; Absent or not voting: 1.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Jack, Kerschen, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, Huebert, Kelley, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Merrick, O'Brien, Olson, Peck, Powell, Siegfried, Whitham, Yoder.

Present but not voting: Neufeld.

Absent or not voting: Johnson.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House nonconcurred in Senate amendments to **HB 2435** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

On motion of Rep. A. Brown, the House nonconcurred in Senate amendments to **HB 2608** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. A. Brown, Proehl and Grant as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **HB 2652** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Tafanelli in the chair.

COMMITTEE OF THE WHOLE

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

Recommended that **SB 414; Sub. SB 513** be passed.

Committee report to **SB 415** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 262** be adopted; and the substitute bill be passed.

Committee report to **SB 500** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 475** be adopted; and the bill be passed as amended.

Committee report to **SB 491** be adopted; and the bill be passed as amended.

Committee report to **SB 387** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **Substitute for SB 214** be amended by substituting a new bill to be designated as "HOUSE Substitute for Substitute for SENATE BILL No. 214," as follows:

"HOUSE Substitute for Substitute for SENATE BILL No. 214

By Committee on Agriculture and Natural Resources

"AN ACT concerning cities; relating to annexation of territory; amending K.S.A. 2009 Supp. 12-520 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for Sub. SB 214** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **Sub. SB 353** be passed.

Committee on **Federal and State Affairs** recommends **HB 2620** be passed.

Committee on **Federal and State Affairs** recommends **HB 2537** be not passed.

Committee on **Federal and State Affairs** recommends **HB 2444** be amended on page 1, in line 27, after "of" where it appears for the last time by inserting "supervisory"; also in line 27, after "experience" by inserting "in administration and"; after line 29, by inserting the following:

"New Sec. 2. (a) The state fire marshal's office created by K.S.A.75-1510 through 75-1517, and amendments thereto, is hereby abolished.

(b) Except as otherwise provided by this act, all of the powers, duties and functions of the existing state fire marshal's office and the existing state fire marshal are hereby transferred to and conferred and imposed upon, the Kansas department of insurance and the division of state fire marshal and the state fire marshal established by this act.

(c) Except as otherwise provided by this act, the Kansas department of insurance and the state fire marshal established by this act shall be the successor in every way to the powers, duties and functions of the state fire marshal's office and the existing state fire marshal in which the same were vested prior to the effective date of this act. Every act performed in the exercise of such powers, duties and functions by or under the authority of the department of insurance and the state fire marshal established by this act shall be deemed to have the same force and effect as if performed by the state fire marshal's office and the state fire marshal, respectively, in which such powers, duties and functions were vested prior to the effective date of this act.

(d) Except as otherwise provided by this act, whenever the state fire marshal's office or state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the division of state fire marshal within the Kansas department of insurance and the office of state fire marshal established by this act.

(e) Except as otherwise provided by this act, whenever the state fire marshal, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state fire marshal established by this act.

(f) All rules and regulations of the state fire marshal's office or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the Kansas department of insurance, and the state fire marshal established by this act until revised, amended, revoked or nullified pursuant to law.

(g) All orders and directives of the office of state fire marshal or the state fire marshal in existence on the effective date of this act shall continue to be effective and shall be deemed to be orders and directives of the state fire marshal and the division of state fire marshal, Kansas department of insurance established by this act, until revised, amended or nullified pursuant to law.

(h) On the effective date of this act, the state fire marshal and Kansas department of insurance shall succeed to whatever right, title or interest the office of state fire marshal has acquired in any real property in this state, and the state fire marshal shall hold the same for and in the name of the state of Kansas. On and after the effective date of this act, whenever any statute, contract, deed or other document concerns the power or authority of the office of state fire marshal or the state fire marshal to acquire, hold or dispose of real

property or any interest therein, the Kansas department of insurance and the state fire marshal shall succeed to such power or authority.

(i) The state fire marshal and the division of state fire marshal of the Kansas department of insurance, established by this act shall be continuations of the office of state fire marshal and the state fire marshal.

(j) On the effective date of this act, all officers and employees who, immediately prior to such date, were engaged in the performance of powers, duties or functions of the office of state fire marshal which are transferred by this act to the division of state fire marshal, Kansas department of insurance, and who, in the opinion of the commissioner of insurance and the state fire marshal, are necessary to perform the powers, duties and functions of the division of state fire marshal, shall be transferred to, and shall become officers and employees of the Kansas department of insurance.

(k) Officers and employees of the office of state fire marshal transferred by this act shall retain all retirement benefits and leave balances and rights which had accrued or vested prior to the date of transfer. The service of each such officer and employee so transferred shall be deemed to have been continuous. All transfers, layoffs or abolition of classified service positions under the Kansas civil service act shall be made in accordance with the civil service laws and any rules and regulations adopted thereunder. Nothing in this act shall affect the classified status of any transferred person employed by the office of state fire marshal prior to the date of transfer.”;

And by renumbering the remaining sections accordingly; and the bill be passed as amended.

Committee on **Health and Human Services** recommends **SB 83** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 83,” as follows:

“HOUSE Substitute for SENATE BILL No. 83

By Committee on Health and Human Services

“AN ACT concerning naturopathic doctors; licensure; amending K.S.A. 17-2707, 65-7201, 65-7202, 65-7203, 65-7204, 65-7205, 65-7206, 65-7207, 65-7211, 65-7212 and 65-7216 and K.S.A. 2009 Supp. 65-2913, 65-7208 and 65-7209 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 83** was thereupon introduced and read by title.)

Committee on **Health and Human Services** recommends **SB 449** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 449,” as follows:

“HOUSE Substitute for SENATE BILL No. 449

By Committee on Health and Human Services

“AN ACT providing for certification of medical gas installers; defining terms; amending K.S.A. 2009 Supp. 12-1509 and repealing the existing section.”; and the substitute bill be passed.

(**H. Sub. for SB 449** was thereupon introduced and read by title.)

Committee on **Judiciary** recommends **SB 372**, **SB 533** be passed.

Committee on **Judiciary** recommends **SB 363** be amended on page 1, in line 13, after “Section 1.” by inserting “(a)”; after line 17, by inserting the following:

“(b) Nothing in this section shall be construed to limit the right of offset, attachment or other process with respect to the earned income tax credit for the payment of child support or spousal maintenance.”; and the bill be passed as amended.

Committee on **Judiciary** recommends **SB 368** be amended on page 1, in line 39, by striking all after “days”; by striking all in line 40; in line 41, by striking all before the semicolon and inserting “and at the end of the suspension, restrict the person’s driving privileges for one year to driving only a motor vehicle equipped with an ignition interlock device”;

On page 2, after line 32, by inserting the following:

“(3) Whenever a person’s driving privileges have been restricted to driving only a motor vehicle equipped with an ignition interlock device, proof of the installation of such device, for the entire restriction period, shall be provided to the division before the person’s driving privileges are fully reinstated.”;

On page 4, by striking all in lines 3 through 32;
 And by renumbering the remaining sections accordingly;
 On page 14, in line 11, by striking “and 8-1015”;
 In the title, in line 11, by striking “, 8-1015”; and the bill be passed as amended.
 Committee on **Judiciary** recommends **SB 460** be amended on page 44, in line 33, by striking “K.S.A. 38-226” and inserting “K.S.A. 38-2264”; and the bill be passed as amended.
 Committee on **Transportation** recommends **SB 293** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 293,” as follows:
 “HOUSE Substitute for SENATE BILL No. 293
 By Committee on Transportation
 “AN ACT regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section.”; and the substitute bill be passed.
 (**H. Sub. for SB 293** was thereupon introduced and read by title.)
 Committee on **Transportation** recommends **SB 300** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 300,” as follows:
 “HOUSE Substitute for SENATE BILL No. 300
 By Committee on Transportation
 “AN ACT relating to license plates; concerning the Kansas arts license plate; relating to certain fees; amending K.S.A. 2009 Supp. 8-1,141 and repealing the existing section.”; and the substitute bill be passed.
 (**H. Sub. for SB 300** was thereupon introduced and read by title.)

REPORT ON ENGROSSED BILLS

HB 2729 reported correctly engrossed March 17, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6025 reported correctly enrolled and properly signed on March 18, 2010.

On motion of Rep. Mast, the House adjourned until 11:00 a.m., Friday, March 19, 2010.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

