

CORRECTED

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 23, 2010, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.
The roll was called with 122 members present.
Reps. Fund and Johnson were excused on verified illness.
Rep. Neufeld was excused on legislative business.
Rep. Myers was excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
Day in and day out we walk
into this chamber to do the work before us.
In order for this to be accomplished,
there are many who do their jobs diligently
prior to our arrival.
Today I pray for our Sergeant of Arms
and the doormen who greet us each day
and help monitor the chamber.
Thank you for all the file clerks who
come in daily to be sure all the material is
in the notebooks — ready for review and action.
Thank you for all the other clerks and
office personnel who keep everything
in an orderly manner so our leaders
can complete their work efficiently.
For these dedicated people
who work behind the scenes,
I ask that you bless them this day
and may they realize how much
they are appreciated.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Whitham.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. Finney, **HR 6034**, by Rep. Finney, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6034—

A RESOLUTION designating May as Lupus Awareness Month.

WHEREAS, Every year, the Lupus Foundation of America designates May as National Lupus Awareness Month to show support for the estimated 1.5 million Americans who have lupus; and

WHEREAS, Lupus is an acute and chronic autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body; and

WHEREAS, Lupus can affect any part of the body, including the skin, lungs, heart, kidneys, and brain; causing seizures, strokes, heart attacks, miscarriages, and organ failure; and

WHEREAS, Despite striking mostly women of childbearing age, no one is safe from lupus. African-Americans, Hispanics, Asians and Native Americans are two to three times more likely to develop lupus - a disparity that remains unexplained; and

WHEREAS, Lupus can be particularly difficult to diagnose because its symptoms are similar to those of many other illnesses, and major gaps exist in understanding the causes and consequences of lupus. More than half of all people with lupus take four or more years and visit three or more doctors before obtaining a correct diagnosis; and

WHEREAS, There have been no new pharmaceuticals approved by the U.S. Food and Drug Administration specifically for lupus in 50 years, and current treatments for the disease can have damaging side effects; and

WHEREAS, Over 1.5 million Americans are affected by lupus: Now, therefore,

Be it resolved by the House of Representative of the State of Kansas: That we designate the month of May as Lupus Awareness Month in the State of Kansas and that we urge all Kansans to observe this month by educating themselves on the symptoms and impact of lupus, and to join with the Lupus Foundation of America in supporting programs of research, education, and community service; and

Be it further resolved: That the Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Representative Gail Finney.

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

Please join me, the Lupus Foundation of America (LFA), and several LFA chapter members as we celebrate introduction of the 2010 Lupus Awareness Resolution.

Our goal today is to inform policymakers, state agency officials, health care professionals, and the general public about the disease and the need for research program support to develop better diagnostic tests and safer, more effective treatments, and ultimately, discover the cure.

This issue is very close to me because I was diagnosed with lupus in 2004. Lupus is a chronic and life threatening autoimmune disease in which the immune system is unbalanced, causing inflammation and tissue damage to virtually every organ system in the body including the lungs, heart, kidneys, blood, skin and joints, and brain. It affects an estimated 1.5 million Americans. Its health effects include seizures, strokes, heart attacks, miscarriages, and kidney failure. Ninety percent of the people with lupus are women; however, women of all ages as well as men and children develop the disease. African American, Hispanic/Latinas, Asians, and Native Americans are two to three times more likely to develop lupus — a disparity that remains unexplained.

For your information, we have provided you a Kansas Lupus Awareness Packet including a Lupus butterfly cookie and a purple “*Someone You Know Has Lupus*” silicone bracelet. If you have any questions please give me a call.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

On emergency motion of Rep. McCray-Miller, **HR 6035**, by Rep. McCray-Miller, as follows, was introduced and adopted:

HOUSE RESOLUTION No. 6035—

A RESOLUTION endorsing the Kansas Diabetes Plan and declaring March 23, 2010, as American Diabetes Association Alert Day.

WHEREAS, The State of Kansas recognizes that healthy citizens are essential for strong communities to thrive; and

WHEREAS, Diabetes is a major public health problem with increasing prevalence, poor outcomes and high costs; and

WHEREAS, More than 150,000 Kansans have been diagnosed with diabetes and over 94% of those have Type 2 diabetes, which can be delayed; and

WHEREAS, Early detection and disease management can help prevent complications of diabetes, including cardiovascular disease, blindness, nervous system damage and kidney failure; and

WHEREAS, More than 40 Kansas entities with emphasis on community health have come together to form the Kansas Diabetes Action Council to develop and implement a Kansas Diabetes Plan to reduce the negative clinical and economic impact on individuals and on the state of Kansas; and

WHEREAS, The goals of the Kansas Diabetes Plan are to increase awareness of the prevention and control of diabetes, improve the capacity to address the prevention and control of diabetes, increase Kansas' health care workforce competency in diabetes standards of care, improve awareness of and access to diabetes self-management information, programs and services, and influence public policy to support improving diabetes prevention, detection and care throughout Kansas; and

WHEREAS, The Kansas Diabetes Plan promotes community actions that make the healthy choice the right choice: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That we hereby endorse the State Diabetes Plan, recognize that March 23, 2010, is American Diabetes Association Alert Day in the State of Kansas, and we direct the Kansas Diabetes Action Council to submit a report to the state legislature in 2011 on the continued progression of the Kansas Diabetes Plan; and

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to send seven enrolled copies of this resolution to Representative McCray-Miller.

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

I would like to take a moment and ask Mark Stubbs, Executive Director, American Diabetes Association and Dr. David Robbins to stand and be recognized by the body. In recognition of Diabetes Alert Day, the association will be doing blood pressure checks and glucose reads in the Docking Building, Room C, 9:00 am - 3:00 pm. Please take a moment and get yours checked, because diabetes can have a rippling effect when it comes to other illnesses that we find ourselves saddled with.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Hawk, **HR 6029**, A resolution congratulating the A.Q. Miller School of Journalism and Mass Communications at Kansas State University for celebrating its centennial anniversary, was adopted.

There being no objection, the following remarks of Reps. Hawk and Carlin are spread upon the journal:

Rep. Hawk:

It is our privilege to recognize here in the Kansas House the 100th Anniversary of the A.Q. Miller School of Journalism and Mass Communications at Kansas State University.

For all of us serving here in the Kansas Legislature, the words of Thomas Jefferson over 200 years ago is a reminder of the importance of a free press to our system of government.

President Jefferson said: "Were it left to me to decide whether we should have a government without newspapers or newspapers without a government, I should not hesitate for a moment to prefer the latter."

Jefferson also had this sage observation: "Our liberty depends on the freedom of the press, and that cannot be limited without being lost."

Rep. Carlin:

Joining us today to commemorate this resolution and the 100th Anniversary are Professors Gloria Freeland and Steven Smethers.

Professor Gloria Freeland, a native Kansan, is the director of the Huck Boyd National Center for Community Media and the coordinator of the 2010 centennial celebration for the School. She received both her B.A. in journalism (1975) and her M.B.A. (1983) from K-State. Her journalism experience has been extensive: working on several Kansas newspapers, a Peace Corps volunteer in Ecuador, co-manager of The San Jose News in

Costa Rica. She has also served as the communications coordinator for the International Trade Institute at K-State and worked as associate director of K-State's Student Publications for 15 years. In addition to her K-State duties, she writes a weekly online column, "Kansas Snapshots."

Rep Hawk:

Dr. Steven Smethers is a Professor of Journalism and Digital Media and is the Associate Director for Graduate Studies in the A.Q. Miller School of Journalism and Mass Communications. Also a KSU Bachelor and Masters graduate, Dr. Smethers teaches undergraduate and graduate courses in journalism, and he conducts research in issues relating to community journalism. A former Kansas broadcaster, he currently serves on the Board of Directors of the Kansas Association of Broadcasters and is the faculty adviser to radio station KSDB-FM, the student radio voice of K-State.

Rep. Hawk:

One of the highlights in making this resolution today is the recognition of some of the Schools graduates . . . two of whom are serving in this body with us today: Representative Mike Burgess of Topeka, and Representative Sydney Carlin of Manhattan.

Rep. Carlin:

The school has also had some other "famous faculty and graduates over the years:" Helen Pansy Hostetter was hired in 1926, became the first woman in the United States named a full professor of journalism. Roberta Applegate was the first woman press secretary for a governor. Gordon Jump was Arthur Carlson of "WKRP" fame and also the Lonely Maytag Repairman, graduating from K-State in 1957.

The School has had two alumni in the White House: Marlin Fitzwater — Presidential press secretary for Ronald Reagan and George H.W. Bush; and Pete Souza — official White House photographer for Ronald Reagan and Barack Obama.

Rep. Hawk:

From my generation attending Kansas State in the 1960's, we have two graduates I would like to mention as examples of the excellence we have in our higher education system here in Kansas and those who have served their journalism profession admirably. First, Laura Scott was in Student Senate with me and became a State House reporter after graduation for the Kansas City Star. My appreciation goes to all of the State House Reporters who work diligently every day to carry our important work out to the public through various forms of media.

Second, Bill Busenberg, the current executive director of the Center for Public Integrity in Washington, D.C., Mr. Busenberg was the speaker for the eighth annual Huck Boyd Lecture in Community Media Sept. 20, 2007, at Kansas State University. Busenberg, working for several newspapers from the Manhattan Mercury, The Topeka Daily Capital, and the Colorado Springs Sun, joined NPR in 1978. There he was vice president of news and information at National Public Radio from 1990 to 1997. He was responsible for launching Talk of the Nation, as well as the expansion of All Things Considered and the extension of NPR's newscasts services to 24 hours a day. During his tenure, the NPR News Division was honored with nine DuPont-Columbia Batons and 10 Peabody Awards.

Rep. Carlin:

Some of you may wonder about the background of the name for the Miller School of Journalism and Mass Communication: A.Q. Miller was active in Kansas newspapers for 60 years. Born in 1874, he got his start as a printer's devil on the Clifton News. He is most remembered as publisher of the Belleville Telescope. His commitment to excellence in journalism led to the presidency of the Kansas Editorial Association. He fought for national highways and good roads and he was an early leader in the fight for flood control.

Rep. Hawk:

Starting in 1911 with 18 young men, the K-State Journalism School now has over 600 majors and pre-majors, three sequences: advertising, journalism and digital media and public relations.

Professors Gloria Freeland and Steven Smethers, we would like to present you with this framed certificate to commemorate the 100th Anniversary of the K-State School of Journalism and Mass Communication. Thank you for your leadership in the school and for the tradition of excellence for the past 100 years. We wish you and the School well for the next 100 years as you provide the graduates to continue the tradition, as Jefferson articulated, of a free and active press so essential to our democracy.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Myers, **HR 6032**, A resolution urging the United States Government to support the NewGen Tanker, was adopted.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Shultz, **HR 6026**, A resolution congratulating and commending Kansas Insurance Commissioner Sandy Praeger, recipient of the American medical Association's top government service award, the Dr. Nathan Davis Award, was adopted.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Shultz, **HR 6031**, A resolution congratulating and commending the Residential Construction Management Team from McPherson High School for being named National Champion at the NAHB Residential Construction Management Competition, was adopted.

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

I had the opportunity to co-sponsor this resolution with Representative Shultz because the coach, Arlan Penner, is from Hutchinson, as is his family. We're very excited and proud that the Residential Construction Management Team from McPherson High School was named the National Champion in the NAHB contest.

CONSENT CALENDAR

Objection was made to **HB 2718** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2166, An act concerning abortion; relating to late-term abortion; amending K.S.A. 65-6701 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 33; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Barnes, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, Feuerborn, Frownfelter, D. Gatewood, George, Goico, Grange, Grant, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Long, Lukert, Mah, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bollier, T. Brown, Carlin, Crow, Davis, Dillmore, Finney, Flaharty, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Kuether, Lane, Loganbill, McCray-Miller, Menghini, Neighbor, Peterson, Quigley, Rardin, Ruiz, Sloan, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

Sub. HB 2428, An act relating to water; providing for a water data repository; amending K.S.A. 82a-910 and K.S.A. 2009 Supp. 2-1915, 82a-1602, 82a-1603, 82a-1604, 82a-1605 and 82a-1606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Brookens, T. Brown, Brunk, Burgess, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Myers, Neighbor, O'Neal, Otto, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Seiwert, Shultz, 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: Bowers, A. Brown, Burroughs, Carlson, Crum, DeGraaf, Faber, Frownfelter, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Morrison, O'Brien, Olson, Peck, Powell, Rhoades, Schroeder, Schwab, Schwartz, Siegfried.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

HB 2620, An act enacting the Kansas firearms freedom act, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 27; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlson, Craft, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Frownfelter, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, Carlin, Colloton, Crow, Dillmore, Flaharty, Furtado, Garcia, S. Gatewood, Hawk, Kuether, Loganbill, Mah, McCray-Miller, Menghini, Neighbor, Phelps, Quigley, Rardin, Ruiz, Slattery, Talia, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed.

HB 2666, An act concerning the animal health department; relating to fees; amending K.S.A. 47-1001e and K.S.A. 2009 Supp. 47-1011, 47-1503 and 47-2101 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 29; Present but not voting: 0; Absent or not voting: 3.

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

Nays: A. Brown, Brunk, DeGraaf, Dillmore, S. Gatewood, Goico, Goyle, Huebert, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, McLeland, Merrick, Olson, Patton, Peck, Pottorff, Prescott, Schwab, Seiwert, Siegfried, Talia, Vickrey, Ward, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

Sub. HB 2669, An act concerning employment; establishing the Kansas employment initiative act creating the Kansas employment first oversight commission; relating to discrimination; amending K.S.A. 44-1001, 44-1002 and 44-1006 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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, 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, 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, Slatery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Wimm, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

HCR 5032, A PROPOSITION to amend the constitution of the state of Kansas by adding a new article 16 thereto, concerning health care.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new article 16 thereto to read as follows:

“Article 16. HEALTH CARE

“§ 1. **Health care.** (a) To preserve the freedom of Kansans to provide for their health care:

“(1) A law or rule shall not compel, directly or indirectly, any person, employer or health care provider to participate in any health care system or purchase health insurance.

“(2) A person or employer may pay directly for lawful health care services and shall not be required to pay penalties or fines for paying directly for lawful health care services. A health care provider may accept direct payment for lawful health care services and shall not be required to pay penalties or fines for accepting direct payment from a person or employer for lawful health care services.

“(b) Subject to reasonable and necessary rules that do not substantially limit a person’s options, the purchase or sale of health insurance in private health care systems shall not be prohibited by law or rule.

“(c) This section does not:

“(1) Affect which health care services a health care provider or hospital is required to perform or provide.

“(2) Affect which health care services are permitted by law.

“(3) Prohibit care provided pursuant to the provisions relating to workers compensation.

“(4) Prohibit care provided pursuant to the provisions relating to state employee benefit programs.

“(5) Affect laws or rules in effect as of August 1, 2009.

“(6) Affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing or penalizing a person or employer for paying directly for lawful health care services or a health care provider or hospital for accepting direct payment from a person or employer for lawful health care services.

“(d) For the purposes of this section:

“(1) “Compel” includes penalties or fines.

“(2) “Direct payment or pay directly” means payment for lawful health care services without a public or private third party, not including an employer, paying for any portion of the service.

“(3) “Health care system” means any public or private entity whose function or purpose is the management of, processing of, enrollment of individuals for or payment for, in full or in part, health care services or health care data or health care information for its participants.

“(4) “Lawful health care services” means any health-related service or treatment to the extent that the service or treatment is permitted or not prohibited by law or regulation that may be provided by persons or businesses otherwise permitted to offer such services.

“(5) “Penalties or fines” means any civil or criminal penalty or fine, tax, salary or wage withholding or surcharge or any named fee with a similar effect established by law or rule by a government established, created or controlled agency that is used to punish or discourage the exercise of rights protected under this section.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* The purpose of this health care freedom amendment is to preserve constitutionally the right and freedom of Kansans to provide for their health care. This proposition would not affect which health care services a health care provider or hospital is required to perform or provide; would not affect which health care services are permitted by law; would not prohibit care provided pursuant to the general provisions relating to workers compensation; would not prohibit care pursuant to the provisions relating to state employee benefit programs; would not affect laws or rules in effect as of August 1, 2009; or would not affect the terms or conditions of any health care system to the extent that those terms and conditions do not have the effect of punishing a person or employer for paying directly for lawful health care services. Nothing in this amendment is meant to discourage anyone from purchasing health insurance.

“A vote for this proposition would preserve constitutionally the right of a person, employer or health care provider to be free from laws or rules compelling participation in any health care system; preserve constitutionally the right of a person or employer to purchase lawful health care services directly from a health care provider; preserve constitutionally the right of a health care provider to accept direct payment from a person or employer for lawful health care services; and preserve constitutionally the right to have the ability to purchase or sell health insurance in private health care systems.

“A vote against this proposition would provide for no constitutional right of a person, employer or health care provider to be free from laws and rules compelling participation in any health care system; would provide for no constitutional right of a person or employer to purchase lawful health care services directly from a health care provider; would provide for no constitutional right of a health care provider to accept direct payment from a person or employer for lawful health care services; and would provide for no constitutional right to have the ability to purchase or sell health insurance in private health care systems.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in November in the year 2010 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election, was considered on final action.

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Gordon, Grange, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Pottorff, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Spalding, Suellentrop, Swanson, Tafaneli, Vickrey, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Peck, Peterson, Phelps, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Winn.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

A two-thirds majority of the members elected to the House not having voted in the affirmative, the resolution was not adopted.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HCR 5032**. I support true Health Care reform that lowers cost, improves access and portability of health insurance. Shifting the high cost of health care today from an individual to the taxpayers is not the solution.

If the medical profession loses its humaneness and instead patients become lost in a sea of bureaucracy and quotas, patients will be hurt and numerous bright and talented people will shy away from becoming doctors. Instead, we must encourage competition. I believe almost all Kansans want the right to choose the health care plan, hospital, doctor, and prescription drug plan that is best for them.—BRENDA K. LANDWEHR, AARON JACK, PEGGY MAST, PHIL HERMANSON, MARC RHOADES, BILL WOLF, DAN KERSCHEN, J. DAVID CRUM, WILLIE PRESCOTT, MITCH HOLMES, MARVIN KLEEB, LANA GORDON, JOE MCLELAND

MR. SPEAKER: I believe my constituents are dismayed that in the past 16 months, we as taxpayers are all now partial owners of General Motors, numerous large banks and other financial institutions, and we are co-signors on upwards of a trillion dollars worth of mortgages and student loans.

I do not believe that the federal government should own these companies or partially nationalize these industries. Likewise, I don't believe that the Federal Government should nationalize 1/6th of our economy with this federal takeover of Health Care. Together, we should give Kansans the choice by allowing our citizens to vote on this amendment. I vote yes on **HCR 5032**.—CONNIE O'BRIEN, ROB OLSON, ANTHONY R. BROWN, KASHA KELLEY, S. MIKE KIEGERL

MR. SPEAKER: My great granddad rode for the Union, he along with a host of others fought to preserve that Union against those who believed in States' Rights and as such fought to bring that Union asunder. Kansas was born by blood into that Union. Let history note that when dust becomes my quarter, Don Svaty voted for preservation of a strong Republic, and may we always remain, not 50, but one Nation under God. May this great Republic not again be torn by the doctrine of States' Rights. I vote no on **HCR 5032**.—DON SVATY

MR. SPEAKER, I vote yes on **HCR 5032**. It is my belief that the Kansas Constitution belongs to the people of this state. The people of this state deserve the opportunity to determine if they believe the Kansas Constitution should guarantee their fellow Kansans the freedom to determine if they wish to access the health insurance offered by the Federal Government. This constitutional amendment does not deny access to health care as promised by the new Federal law. Instead, the proposed amendment seeks to protect individuals from being financially penalized when they choose to not purchase health insurance as prescribed by the Federal Government.—DEENA HORST

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, we protest the non-adoption of **HCR 5032**.

The Federal Health Care legislation is a violation of the United States Constitution. The legislation is not within the powers granted to Congress through the *Commerce Clause* in Article I, Section 8. The legislation is unprecedented and unconstitutional because never before has Congress attempted to compel Americans to purchase any good or service simply as a requirement of lawful citizenship. Health Care has historically been a primarily a state responsibility.

Additionally, we protest the passing of Federal Health Care legislation, in part, for the following reasons:

The sections described below are taken from HR 3590 as agreed to by the United States Senate and from the reconciliation bill as displayed by the Rules Committee.

You are young and don't want health insurance? You are starting up a small business and need to minimize expenses, and one way to do that is to forego health insurance? Tough. You have to pay \$750 annually for the "privilege." (Section 1501)

You are young and healthy and want to pay for insurance that reflects that status? You'll have to pay for premiums that cover not only you, but also the guy who smokes three packs a day, drinks a gallon of whiskey, eats chicken fat as often as possible and skydives. That's because insurance companies will no longer be able to underwrite on the basis of a person's health status. (Section 2701).

You would like to pay less in premiums by buying insurance with lifetime or annual limits on coverage? Health insurers will no longer be able to offer such policies, even if that is what customers prefer. (Section 2711).

Think you'd like a policy that is cheaper because it doesn't cover preventive care or requires cost-sharing for such care? Health insurers will no longer be able to offer policies that do not cover preventive services or offer them with cost-sharing, even if that's what the customer wants. (Section 2712).

You are an employer and you would like to offer coverage that doesn't allow your employers' children to stay on the policy until age 26? (Section 2714).

You must buy a policy that covers ambulatory patient services, emergency services, hospitalization, maternity and newborn care, mental health and substance use disorder services, including behavioral health treatment; prescription drugs; rehabilitative and habilitative services and devices; laboratory services; preventive and wellness services; chronic disease management; and pediatric services, including oral and vision care.

You're a single guy without children? Your policy must cover pediatric services. You're a woman who can't have children? Your policy must cover maternity services. You've never had an ounce of alcohol or drugs? Your policy must cover substance abuse treatment. (Section 1302).

Do you want a plan with lots of cost-sharing and low premiums? Well, the best you can do is a "Bronze plan," which has benefits that provide benefits that are actuarially equivalent to 60% of the full actuarial value of the benefits provided under the plan. Anything lower than that will not be an option. (Section 1302 (d) (1) (A)).

You are an employer in the small-group insurance market and you'd like to offer policies with deductibles higher than \$2,000 for individuals and \$4,000 for families? (Section 1302 (c) (2) (A)).

If you are a large employer (defined as at least 101 employees) and you do not want to provide health insurance to your employee, then you will pay a \$750 fine per employee (It

could be \$2,000 to \$3,000 under the reconciliation changes). Think you know how to better spend that money? (Section 1513).

You are an employer who offers health flexible spending arrangements and your employees want to deduct more than \$2,500 from their salaries for it? Sorry, can't do that. (Section 9005 (i)).

If you are a physician and you don't want the government looking over your shoulder? Tough. The Secretary of Health and Human Services is authorized to use your claims data to issue you reports that measure the resources you use, provide information on the quality of care you provide, and compare the resources you use to those used by other physicians. Of course, this will all be just for informational purposes. It's not like the government will ever use it to intervene in your practice and patients' care. (Section 3003 (I)).

If you are a physician and you want to own your own hospital, you must be an owner and have a "Medicare provider agreement" by Feb. 1, 2010. (Dec. 31, 2010 in the reconciliation changes.) If you didn't have those by then, you are out of luck. (Section 6001 (i) (1) (A)).

If you are a physician owner and you want to expand your hospital? Well, you can't (Section 6001 (i) (1) (B)). Unless, it is located in a county where, over the last five years, population growth has been 150% of what it has been in the state (Section 6601 (i) (3) (E)). And then you cannot increase your capacity by more than 200% (Section 6001 (i) (3) (C)).

You are a health insurer and you want to raise premiums to meet costs? Well, if that increase is deemed "unreasonable" by the Secretary of Health and Human Services it will be subject to review and can be denied. (Section 1003).

The government will extract a fee of \$2.3 billion annually from the pharmaceutical industry. If you are a pharmaceutical company what you will pay depends on the ratio of the number of brand-name drugs you sell to the total number of brand-name drugs sold in the U.S. So, if you sell 10% of the brand-name drugs in the U.S., what you pay will be 10% multiplied by \$2.3 billion, or \$230,000,000. (Under reconciliation, it starts at \$2.55 billion, jumps to \$3 billion in 2012, then to \$3.5 billion in 2017 and \$4.2 billion in 2018, before settling at \$2.8 billion in 2019 (Section 1404)). Think you, as a pharmaceutical executive, know how to better use that money, say for research and development? (Section 9008 (b)).

The government will extract a fee of \$2 billion annually from medical device makers. If you are a medical device maker what you will pay depends on your share of medical device sales in the U.S. So, if you sell 10% of the medical devices in the U.S., what you pay will be 10% multiplied by \$2 billion, or \$200,000,000. Think you, as a medical device maker, know how to better use that money, say for R&D? (Section 9009 (b)).

The reconciliation package turns that into a 2.9% excise tax for medical device makers. Think you, as a medical device maker, know how to better use that money, say for research and development? (Section 1405).

The government will extract a fee of \$6.7 billion annually from insurance companies. If you are an insurer, what you will pay depends on your share of net premiums plus 200% of your administrative costs. So, if your net premiums and administrative costs are equal to 10% of the total, you will pay 10% of \$6.7 billion, or \$670,000,000. In the reconciliation bill, the fee will start at \$8 billion in 2014, \$11.3 billion in 2015, \$1.9 billion in 2017, and \$14.3 billion in 2018 (Section 1406). Think you, as an insurance executive, know how to better spend that money? (Section 9010 (b) (1) (A and B)).

You will have to pay an additional 0.5% payroll tax on any dollar you make over \$250,000 if you file a joint return and \$200,000 if you file an individual return. Do you think you know how to spend the money you earned better than the government? (Section 9015).

That amount will rise to a 3.8% tax if reconciliation passes. It will also apply to investment income, estates, and trusts. You think you know how to spend the money you earned better than the government? (Section 1402).

Instead, Kansas should support true Health Care reform that lowers cost, improves access and portability of health insurance. Shifting the high cost of health care today from an individual to the taxpayers is not the solution.

If the medical profession loses its humaneness and instead patients become lost in a sea of bureaucracy and quotas, patients will be hurt and numerous bright and talented people will shy away from becoming doctors. Instead, we must encourage competition. I believe

almost all Kansans want the right to choose the health care plan, hospital, doctor, and prescription drug plan that is best for them.—BRENDA LANDWEHR, AARON JACK, ARLEN SIEGFREID, KEVIN YODER, MARC RHOADES, JOE SEIWERT, MARVIN KLEEB, PHIL HERMANSON, ELAINE BOWERS, JOE MCLELAND, DAN KERSCHEN, LANA GORDON, ANTHONY BROWN, MARIO GOICO, LEE TAFANELLI, PEGGY MAST, MITCH HOLMES, RAY MERRICK, WILLIE PRESCOTT, MIKE O'NEAL, CONNIE O'BRIEN, KASHA KELLEY, GENE SUELLENTROP, VIRGIL PECK, JR., DEENA HORST

Sub. SB 67, An act concerning crimes and punishment; relating to mistreatment of a dependent adult; identity theft and identity fraud; criminal possession of a firearm; amending K.S.A. 21-3437 and 21-4018 and K.S.A. 2009 Supp. 21-4204 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, 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, 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, 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: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

H. Sub. for SB 83, 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, was considered on final action.

On roll call, the vote was: Yeas 109; Nays 13; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Horst, Jack, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Carlson, Feuerborn, Goico, C. Holmes, M. Holmes, Huebert, Kinzer, Moxley, Patton, Schwab, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

H. Sub. for SB 146, An act concerning state officers and employees; relating to furloughs or reduction in compensation; the Kansas public employees retirement system, computation

of benefits; amending K.S.A. 74-49,115 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, George, Schroeder, Suellentrop.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

H. Sub. for SB 293. An act regulating traffic; concerning school buses; amending K.S.A. 8-2009a and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, 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, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, 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, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Dillmore, D. Gatewood, S. Gatewood, Lane, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

H. Sub. for SB 300. An act relating to license plates; concerning the Kansas arts license plate; providing for the I'm pet friendly license plate; providing for a Boy Scouts of America license plate; providing for the Vietnam veteran license plate; relating to certain fees; covering license plates; amending K.S.A. 2009 Supp. 8-1,141, 8-1, 147 and 8-2118 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, 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, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz,

Schroeder, 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: Aurand, A. Brown, Faber, Landwehr, Moxley, Schwab.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

H. Sub. for SB 313. An act imposing a limitation on the issuance of certain bonds issued by the Kansas development finance authority; establishing a maximum on state general fund bonded debt; prescribing certain powers, duties and functions with respect thereto, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Barnes, A. Brown, Brunk, Carlin, Crum, DeGraaf, Donohoe, Faber, Flaharty, Garcia, Goico, Hayzlett, Hermanson, Huebert, Kiegerl, Kinzer, Landwehr, Lane, Mast, McLeland, Merrick, Olson, Peck, Powell, Rhoades, Schwab, Seiwert, Siegfried, Suellentrop, Swanson.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **H. Sub. for SB 313**. When the state's bond rating was recently downgraded, the Montoy funding case was cited as one of the major factors. If we continually refuse to control spending, which includes education bonding debt, we will never manage our financial situation. If we do not control all spending we must raise taxes. I don't view this as a viable option, and refuse to establish another budgetary procedure mandate.—ARLEN SIEGFREID, S. MIKE KIEGERL, VIRGIL PECK, JR.

SB 346. An act concerning the secretary of corrections; relating to costs of offenders in custody; transfer of certain offenders; amending K.S.A. 21-4632 and K.S.A. 2009 Supp. 75-5220 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, T. Brown, Brunk, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Grange, Grant, Hawk, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kerschen, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Morrison, Moxley, Neighbor, O'Brien, O'Neal, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Schroeder, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: A. Brown, Burgess, Carlson, Crum, DeGraaf, Faber, Gordon, Goyle, Hayzlett, Hermanson, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, McLeland, Merrick, Myers, Olson, Patton, Powell, Schwab, Seiwert, Suellentrop, Talia, Vickrey, Yoder.

Present but not voting: None.
 Absent or not voting: Fund, Johnson, Neufeld.
 The bill passed, as amended.

SB 368. An act concerning driving; relating to driving under the influence of alcohol or drugs; amending K.S.A. 2009 Supp. 8-259, 8-1001, 8-1014, 8-1015 and 8-1567 and repealing the existing sections; also repealing K.S.A. 8-1567, as amended by section 6 of chapter 107 of the 2009 Session Laws of Kansas, 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, 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, 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, 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, Tafaneli, 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: Fund, Johnson, Neufeld.
 The bill passed, as amended.

SB 372. An act concerning guardianship and conservatorship; relating to orders and petitions; amending K.S.A. 2009 Supp. 59-3058, 59-3059, 59-3060 and 59-3061 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, 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, 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, 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, Tafaneli, 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: Fund, Johnson, Neufeld.
 The bill passed.

SB 382. An act concerning the housing loan deposit program; relating to requirements for borrowers; amending K.S.A. 2009 Supp. 75-4277 and 75-4279 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 92; Nays 30; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Benlon, Bowers, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney,

Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grant, Hawk, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Huebert, Kerschen, King, Kleeb, Knox, Kuether, Lane, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Merrick, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Seiwert, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Nays: Aurand, Bethell, Bollier, Brookens, Carlson, Craft, Donohoe, Gordon, Grange, Hayzlett, Hineman, Jack, Kelley, Kiegerl, Kinzer, Landwehr, Light, Mast, McLeland, Morrison, Moxley, O'Brien, Pottorff, Rhoades, Schwartz, Siegfried, Suellentrop, Tafanelli, Whitham, Worley.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I vote no on **SB 382**. This bill was passed in 2008 with a defined and narrow spectrum, catering to a specific need. I supported the measure because the advantages were directed for a specific purpose created by unique circumstances beyond our control. However, extending the benefits of a disaster relief program which will now compete with private lenders is not what I intended when we passed this measure. This is the appropriate juncture to eliminate this program, and limit the growth of government.—
ARLEN SIEGFREID, S. MIKE KIEGERL, LANA GORDON

SB 410, An act concerning electronic payments; amending K.S.A. 16a-2-403 and K.S.A. 2009 Supp. 75-30,100 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

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, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: Prescott.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed, as amended.

H. Sub. for SB 449, An act providing for certification of medical gas installers; defining terms; amending K.S.A. 2009 Supp. 12-1509 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 90; Nays 32; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Barnes, Bethell, Bowers, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Loganbill, Long, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls,

Peck, Peterson, Phelps, Pottorff, Prescott, Quigley, Rardin, Rhoades, Ruiz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Benlon, Bollier, Brookens, A. Brown, Carlson, DeGraaf, Dillmore, Gordon, Hayzlett, Hineman, Huebert, Kelley, Kinzer, Kuether, Landwehr, Lane, Light, Lukert, Mast, McLeland, Merrick, Moxley, Patton, Powell, Proehl, Roth, Schroeder, Schwab, Schwartz, Swanson, Whitham.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The substitute bill passed.

SB 460, An act concerning children; relating to permanency; priority of certain orders; amending K.S.A. 38-1116 and 60-3107 and K.S.A. 2009 Supp. 38-1121, 38-2201, 38-2202, 38-2203, 38-2208, 38-2212, 38-2242, 38-2243, 38-2251, 38-2255, 38-2258, 38-2264, 38-2272, 38-2273, 38-2279, 38-2304, 38-2305, 38-2361 and 60-1610 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, 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, 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, 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: Fund, Johnson, Neufeld.

The bill passed, as amended.

SB 533, An act concerning crimes and criminal procedure; providing for electronic citations, complaints and notices to appear; amending K.S.A. 2009 Supp. 40-3104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 3; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, 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, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, 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, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House concurred in Senate amendments to **HB 2566**, An act concerning agriculture; amending K.S.A. 65-626, 65-635, 65-641, 65-653, 65-655, 65-656, 65-658, 65-665, 65-676, 65-679a, 65-683, 65-684, 65-685, 65-686 and 65-777 and K.S.A. 2009 Supp. 65-657, 65-771, 65-778 and 65-781 and repealing the existing sections.

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

On roll call, the vote was: Yeas 112; Nays 10; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Barnes, Benlon, Bethell, Bollier, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, 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, Kuether, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Pauls, 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, Tietze, Trimmer, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Knox, Landwehr, Lane, McLeland, Patton, Peck, Talia, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Neufeld.

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

COMMITTEE OF THE WHOLE

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

Recommended that on motion of Rep. Peck, pursuant to House Rule 2303, to reconsider the adverse action in not recommending **SB 446** favorably for passage (see HJ, page 1213), the motion did not prevail.

H. Sub. for SB 312; SCR 1614 (see further action, Afternoon Session); **SB 395** be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 234** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 1, by striking "release" and inserting "stop withholding earnings pursuant to"; in line 5, by striking "may then release the garnishment" and inserting "will thereafter have no duty to withhold earnings";

On page 5, in line 38, by striking "release" and inserting "stop withholding earnings pursuant to"; in line 42, by striking "may then release the garnishment" and inserting "will thereafter have no duty to withhold earnings"; and **H. Sub. for SB 234** be passed as amended.

Committee report to **HB 2685** be adopted; also, roll call was demanded on motion to recommend the bill favorably for passage.

On roll call, the vote was: Yeas 65; Nays 53; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Barnes, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Mast, McLeland, Meier, Merrick, Morrison, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Powell, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Swenson, Tafanelli, Vickrey, Ward, Williams, B. Wolf, Yoder.

Nays: Ballard, Benlon, Bethell, Bollier, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Grant, Hawk, Henderson, Henry, Hill, Hineman, Horst, Kuether, Lane, Loganbill, Long, Mah, Maloney, McCray-Miller, Menghini, Moxley, Neighbor, Phelps, Pottorff, Prescott,

Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, Swanson, Talia, Tietze, Trimmer, Wetta, Whitham, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Dillmore, Fund, Johnson, Myers, Neufeld, Peterson, Sloan.

The motion prevailed, and **HB 2685** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 306** be adopted; and the substitute bill be passed.

Committee report to **SB 362** be adopted; also, on motion of Rep. Flaharty to refer the bill to Committee on Education, the motion did not prevail.

Also, roll call was demanded on motion of Rep. Rardin to amend **SB 362** on page 3, by striking all in lines 34 through 43;

By striking all on page 4;

On page 5, by striking all in lines 1 through 6;

And by renumbering the remaining sections accordingly;

Also on page 5, in line 7, by striking "and 72-"; in line 8, by striking "5445";

In the title, in line 13, by striking "and" where it appears the second time; in line 14, by striking "72-5445";

On roll call, the vote was: Yeas 68; Nays 52; Present but not voting: 0; Absent or not voting: 5.

Yeas: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Grange, Grant, Hawk, Henderson, Henry, Hill, Horst, Kerschen, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Meier, Menghini, Neighbor, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Quigley, Rardin, Roth, Ruiz, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf, Worley.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Moxley, O'Brien, O'Neal, Olson, Patton, Peck, Powell, Proehl, Rhoades, Schroeder, Schwab, Seiwert, Siegfried, Suellentrop, Swanson, Tafanelli, Vickrey, Whitham, B. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Kiegerl, Myers, Neufeld.

The motion of Rep. Rardin prevailed; and **SB 362** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Agriculture and Natural Resources** recommends **SCR 1623** be adopted.

Committee on **Federal and State Affairs** recommends **SB 247** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 247," as follows:

"HOUSE Substitute for SENATE BILL No. 247

By Committee on Federal and State Affairs

"AN ACT concerning children in need of care; amending K.S.A. 65-508 and K.S.A. 2009 Supp. 38-2236, 38-2242, 38-2243 and 38-2255 and 65-6313 and repealing the existing sections.;"

and the substitute bill be passed.

(**H. Sub. for SB 247** was thereupon introduced and read by title.)

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Siegfried in the chair.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted:
Recommended that **SB 519** be passed.

H. Sub. for SB 75 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 310** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 269** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 381** be adopted; and the substitute bill be passed.

Committee report to **SB 359** be adopted; also, on motion of Rep. Trimmer be amended on page 2, in line 12, after "72-978" by inserting "or K.S.A. 2009 Supp. 72-998";

On page 6, after line 37, by inserting the following:

"Sec. 3. K.S.A. 2009 Supp. 72-998 is hereby amended to read as follows: 72-998. (a) As used in this section:

(1) "Medicaid children" means exceptional children who receive special education and related services and for which the district receives medicaid payments.

(2) Words and phrases used in this section, have the meanings ascribed thereto in K.S.A. 72-962, and amendments thereto.

(b) ~~The provisions of this section shall be applicable for school years 2007-2008, 2008-2009 and 2009-2010.~~ The state board shall designate a portion of the amount of moneys appropriated as special education services state aid as medicaid replacement state aid. The amount designated by the state board shall not exceed \$9,000,000 in any school year.

(c) Subject to the limitations of this section and appropriations therefor, each school district shall be entitled to medicaid replacement state aid. The amount of such state aid shall be computed by the state board as provided in this section. The state board shall:

(1) Determine the total number of medicaid children in all school districts on March 1 of each school year;

(2) divide the amount of moneys designated as medicaid replacement state aid by the amount determined under paragraph (1); and

(3) multiply the quotient determined under paragraph (2) by the number of medicaid children in each school district on March 1 of each school year. The product is the amount of medicaid replacement state aid the district is entitled to receive.

(d) All amounts received by a school district under this section shall be deposited in the general fund of the district and shall be transferred to the special education fund of the district.

(e) The board of education of any district desiring to receive state aid pursuant to this section shall submit any documentation or information to the state board as it may request. The state board may establish deadlines for the submission of such documentation and information.

(f) The state board shall make the distribution of moneys under this section prior to determining the amount of state aid to be distributed under K.S.A. 72-978, and amendments thereto.

(g) The state board shall prescribe all forms necessary for reporting under this section."; And by renumbering the remaining sections accordingly;

Also on page 6, in line 38, after "72-978" by inserting "and 72-988";

In the title, in line 14, after "and" where it appears the second time by inserting "72-988 and"; and **SB 359** be passed as amended.

Committee report to **SB 537** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 305** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 377** be adopted; also, on motion of Rep. Jack be amended on page 5, following line 15, by inserting the following:

“New Sec. 5. As used in sections 5, 6, 7, 8 and 9, and amendments thereto:

(a) “Authorized person” means any individual authorized by an original contractor, subcontractor or remote claimant to act on their behalf.

(b) “Construction” means furnishing labor, equipment, material or supplies for the improvement of a new or pre-existing structure which is not constructed for use as a single-family residence or multi-family residence of four units or less. “Construction” does not include highways, roads, bridges, dams or turnpikes.

(c) “Notice of commencement” means a notice filed by an original contractor with the state construction registry providing the information required to be given pursuant to section 2, and amendments thereto.

(d) “Notice of furnishing” means a notice from a subcontractor or remote claimant that is filed prior to the recording of a mechanic’s lien and which is required to be filed pursuant to section 7, and amendments thereto.

(e) “Original contractor” means any contractor who has a contract directly with the owner. “Original contractor” may include more than one contractor and be referred to as a general contractor.

(f) “Owner” shall include the trustee, agent or spouse of the owner.

(g) “Remote claimant” means a subcontractor to a subcontractor, also referred to as a sub-subcontractor, as well as people who supply materials to subcontractors. Remote claimants have no contract directly with the original contractor.

(h) “Secretary” means the secretary of state.

(i) “State construction registry” means an electronic web-based system created pursuant to section 8, and amendments thereto, for the purposes of filing and maintaining notifications by original contractors, subcontractors and remote claimants required pursuant to sections 6 and 7, and amendments thereto.

(j) “Subcontractor” means any person who furnishes labor, equipment, materials or supplies pursuant to a contract directly with an original contractor.

(k) The provisions of this section shall take effect on July 1, 2011.

New Sec. 6. (a) Prior to, but no later than 15 calendar days after commencement of physical construction work at the project site, any original contractor may file a notice of commencement with the state construction registry created pursuant to section 8, and amendments thereto. The purpose of the notice of commencement is to notify other persons who are working on the project, including, but not limited to, subcontractors or remote claimants that the project has started and to give information as to the name and address of the owner, the original contractor, and the description of the project.

(b) The notice of commencement shall include the following:

(1) The name and address of the owner of the project contracting for the construction or improvement.

(2) The name and address of any original contractor.

(3) The legal description of the real property or the street address, city, state, county and zip code of the real property on which the construction or improvement is to be made.

(4) A brief description of the construction or improvement to be performed on the property.

(5) The date the owner first executed a contract with an original contractor for the construction or improvement.

(6) The name and address of the person preparing the notice of commencement.

(7) The following statement:

“To remote claimants, subcontractors or suppliers: Take notice that labor or work is about to begin on or materials are about to be furnished for an improvement to the real property described in this notice. Any remote claimant or subcontractor may preserve such claimant’s lien rights by filing a notice of furnishing with the State Construction Registry, which serves as notice to the original contractor or contractors, within 21 days of furnishing labor, equipment, materials or supplies to this project.”

(c) The notice of commencement shall be deemed sufficient if filed in the form and manner prescribed by the secretary of state.

(d) The original contractor may take protective measures by either making direct payments or payments by joint check to remote claimants to ensure that the remote claimant is paid.

(e) The provisions of this section shall take effect on July 1, 2011.

New Sec. 7. (a) If any original contractor has filed a notice of commencement with the state construction registry pursuant to section 6, and amendments thereto, concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, such subcontractor or remote claimant shall file a notice of furnishing with the state construction registry created pursuant to section 8, and amendments thereto, in order to preserve their lien rights for construction subject to this act.

(b) The notice of furnishing shall include the following:

(1) The name and address of persons with whom the remote claimant or subcontractor has contracted concerning the project at the time of filing.

(2) The name, address, telephone number, fax number and e-mail address of the subcontractor or remote claimant.

(3) A brief description of the construction or improvement to be performed on the project.

(4) The unique project number assigned by the state construction registry.

(c) The notice of furnishing shall be deemed sufficient if filed in the form and manner prescribed by the secretary of state.

(d) A notice of furnishing shall not be filed with the state construction registry if an original contractor has not filed a notice of commencement with the state construction registry at the time of furnishing labor, equipment, materials or supplies.

(e) Nothing in this act shall expand or create any additional rights of a person to claim a lien pursuant to K.S.A. 60-1103, and amendments thereto, or to file a claim under a bond furnished pursuant to K.S.A. 60-1110 or K.S.A. 60-1111, and amendments thereto.

(f) If any original contractor has filed a notice of commencement with the state construction registry pursuant to section 6, and amendments thereto, concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, a lien for the furnishing of labor, equipment, materials or supplies by such subcontractor or remote claimant pursuant to K.S.A. 60-1103, and amendments thereto, for construction subject to this act, may be claimed only if the subcontractor or remote claimant filed a notice of furnishing with the state construction registry within 21 calendar days of the date of furnishing any such labor, equipment, materials or supplies. If the subcontractor or remote claimant does not file within such time period, the subcontractor or remote claimant may file at a later date. In such event, the subcontractor or remote claimant's lien rights will only be effective for labor, equipment, materials or supplies furnished on or after the date of the filing of the notice of furnishing.

(g) If materials are delivered prior to the filing of a notice of commencement, the remote claimant or subcontractor shall not file a notice of furnishing. However, if that supplier delivers materials to the same project after the filing of a notice of commencement, then a notice of furnishing shall be filed.

(h) If a subcontractor or remote claimant has furnished labor, equipment, materials or supplies and is required to file a notice of furnishing pursuant to section 7, and amendments thereto, only one notice of furnishing is required per project.

(i) The provisions of this section shall take effect on July 1, 2011.

New Sec. 8. (a) The secretary shall implement and maintain the state construction registry. When any provision of this act requires any notice to be filed with the state construction registry, the notice shall be filed in the form and manner prescribed by the secretary.

(b) A notice of commencement shall contain the information prescribed in section 6, and amendments thereto.

(c) A notice of furnishing shall contain the information prescribed in section 7, and amendments thereto.

(d) Any notice filed with the state construction registry shall be signed by an authorized person. The fact that a person's signature appears on such notice shall be prima facie evidence that such person is authorized to sign the notice on behalf of the original contractor, subcontractor or remote claimant and that the notice is subscribed by the person as true, under penalty of perjury.

(e) Upon receipt of any notice, and upon tender of the required fees, the secretary shall certify that the notice has been filed in the office of secretary of state by endorsing upon the notice the word "filed" and the date and hour of its filing. This endorsement is the "filing date" of the notice and is conclusive of the date and time of its filing in the absence of actual fraud. The secretary shall thereupon record the endorsed notice in the state construction registry and assign a unique project number.

(f) Whenever any notice of commencement or notice of furnishing to be filed with the secretary of state under any provision of this act has been so filed and is inaccurate in any respect or was defectively or erroneously executed, such notice of commencement or notice of furnishing may be corrected by filing with the secretary of state a notice of correction of such notice of commencement or notice of furnishing. The notice of correction shall specify the inaccuracy or defect to be corrected, shall set forth the portion of the notice of commencement or notice of furnishing in corrected form and shall be executed and filed as required for a notice of commencement or notice of furnishing. The notice of correction shall be effective as of the date the original notice of commencement or notice of furnishing was filed, except as to those persons who are substantially and adversely affected by the correction, and as to those persons the notice of correction shall be effective from the filing date.

(g) The secretary shall adopt rules and regulations prescribing the form and manner of filing any notice required to be filed with the state construction registry and fixing the fees to be charged and collected under this section.

(h) The secretary of state shall remit all moneys received from fees and charges under this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the information and services fee fund of the secretary of state.

(i) The provisions of this section shall take effect on July 1, 2011.

New Sec. 9. (a) The provisions of sections 5 through 8, and amendments thereto, shall apply to projects that commence physical construction work at the project site on or after July 1, 2011. The provisions of sections 5 through 8, and amendments thereto, shall not apply to projects that commence physical construction work at the project site prior to July 1, 2011.

(b) The provisions of this section shall take effect on July 1, 2011.

Sec. 10. On and after July 1, 2011, K.S.A. 60-1103 is hereby amended to read as follows: 60-1103. (a) *Procedure.* Any ~~supplier, remote claimant or subcontractor, as defined in section 5, and amendments thereto,~~ or other person furnishing labor, equipment, material or supplies, used or consumed at the site of the property subject to the lien, under an agreement with the contractor, subcontractor or owner contractor may obtain a lien for the amount due in the same manner and to the same extent as the original contractor except that:

(1) The lien statement must state the name of the contractor and be filed within three months after the date supplies, material or equipment was last furnished or labor performed by the claimant;

(2) if a warning statement is required to be given pursuant to K.S.A. 60-1103a, and amendments thereto, there shall be attached to the lien statement the affidavit of the supplier or subcontractor that such warning statement was properly given; ~~and~~

(3) a notice of intent to perform, if required pursuant to K.S.A. 60-1103b, and amendments thereto, must have been filed as provided by that section; ~~and~~

(4) a notice of furnishings, if required pursuant to section 7, and amendments thereto, must have been filed as provided by that section.

(b) Owner contractor is defined as any person, firm or corporation who:

(1) Is the fee title owner of the real estate subject to the lien; and

(2) enters into contracts with more than one person, firm or corporation for labor, equipment, material or supplies used or consumed for the improvement of such real property.

(c) *Recording and notice.* When a lien is filed pursuant to this section, the clerk of the district court shall enter the filing in the general index. The claimant shall (1) cause a copy of the lien statement to be served personally upon any one owner, any holder of a recorded

equitable interest and any party obligated to pay the lien in the manner provided by K.S.A. 60-304, and amendments thereto, for the service of summons within the state, or by K.S.A. 60-308, and amendments thereto, for service outside of the state, (2) mail a copy of the lien statement to any one owner of the property, any holder of a recorded equitable interest and to any party obligated to pay the same by restricted mail or (3) if the address of any one owner or such party is unknown and cannot be ascertained with reasonable diligence, post a copy of the lien statement in a conspicuous place on the premises. The provisions of this subsection requiring that the claimant serve a copy of the lien statement shall be deemed to have been complied with, if it is proven that the person to be served actually received a copy of the lien statement. No action to foreclose any lien may proceed or be entered against residential real property in this state unless the holder of a recorded equitable interest was served with notice in accordance with the provisions of this subsection.

(d) *Rights and liability of owner.* The owner of the real property shall not become liable for a greater amount than the owner has contracted to pay the original contractor, except for any payments to the contractor made:

(1) Prior to the expiration of the three-month period for filing lien claims, if no warning statement is required by K.S.A. 60-1103a, and amendments thereto; or

(2) subsequent to the date the owner received the warning statement, if a warning statement is required by K.S.A. 60-1103a, and amendments thereto.

The owner may discharge any lien filed under this section which the contractor fails to discharge and credit such payment against the amount due the contractor.

(e) Notwithstanding subsection (a)(1), a lien for the furnishing of labor, equipment, materials or supplies on property other than residential property may be claimed pursuant to this section, and amendments thereto, within five months only if the claimant has filed a notice of extension within three months since last furnishing labor, equipment, materials or supplies to the job site. Such notice shall be filed in the office of the clerk of the district court of the county where such property is located and shall be mailed by certified and regular mail to the general contractor or construction manager and a copy to the owner by regular mail, if known. The notice of extension shall be deemed sufficient if in substantial compliance with the form set forth by the judicial council.

Sec. 11. On and after July 1, 2011, K.S.A. 60-1110 is hereby amended to read as follows: 60-1110. (a) The contractor or owner may execute a bond to the state of Kansas for the use of all persons in whose favor liens might accrue by virtue of this act, conditioned for the payment of all claims which might be the basis of liens in a sum not less than the contract price, or to any person claiming a lien which is disputed by the owner or contractor, conditioned for the payment of such claim in the amount thereof. Any such bond shall have good and sufficient sureties, be approved by a judge of the district court and filed with the clerk of the district court. When bond is approved and filed, no lien for the labor, equipment, material or supplies under contract, or claim described or referred to in the bond shall attach under this act, and if when such bond is filed liens have already been filed, such liens are discharged. Suit may be brought on such bond by any person interested but no such suit shall name as defendant any person who is neither a principal or surety on such bond, nor contractually liable for the payment of the claim.

(b) *If any original contractor has filed a notice of commencement concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, no subcontractor or remote claimant may file a claim under a payment bond obtained and executed pursuant to this section, unless such subcontractor or remote claimant has filed a notice of furnishing required pursuant to section 7, and amendments thereto. As used in this subsection, terms have the meanings provided by section 5, and amendments thereto.*

Sec. 12. On and after July 1, 2011, K.S.A. 60-1111 is hereby amended to read as follows: 60-1111. (a) *Bond by contractor.* Except as provided in this section, whenever any public official, under the laws of the state, enters into contract in any sum exceeding \$100,000 with any person or persons for the purpose of making any public improvements, or constructing any public building or making repairs on the same, such officer shall take, from the party contracted with, a bond to the state of Kansas with good and sufficient sureties in a sum not less than the sum total in the contract, conditioned that such contractor or the

subcontractor of such contractor shall pay all indebtedness incurred for labor furnished, materials, equipment or supplies, used or consumed in connection with or in or about the construction of such public building or in making such public improvements.

A contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer. A public official entering into a contract which requires a contractor or subcontractor to obtain a payment bond or any other bond shall not require that such bond be obtained from a specific surety, agent, broker or producer.

(b) *Filing and limitations.* The bond required under subsection (a) shall be filed with the clerk of the district court of the county in which such public improvement is to be made. When such bond is filed, no lien shall attach under this article. Any liens which have been filed prior to the filing of such bond shall be discharged. Any person to whom there is due any sum for labor or material furnished, as stated in subsection (a), or such person's assigns, may bring an action on such bond for the recovery of such indebtedness but no action shall be brought on such bond after six months from the completion of such public improvements or public buildings.

(c) In any case of a contract for construction, repairs or improvements for the state or a state agency under K.S.A. 75-3739 or 75-3741, and amendments thereto, a certificate of deposit payable to the state may be accepted in accordance with and subject to K.S.A. 60-1112, and amendments thereto. When such certificate of deposit is so accepted, no lien shall attach under this article. Any liens which have been filed prior to the acceptance of such certificate of deposit shall be discharged. Any person to whom there is due any sum for labor furnished, materials, equipment or supplies used or consumed in connection with or for such contract for construction, repairs or improvements shall make a claim therefor with the director of purchases under K.S.A. 60-1112, and amendments thereto.

(d) *If any original contractor has filed a notice of commencement concerning a project for which a subcontractor or remote claimant has furnished labor, equipment, materials or supplies, no subcontractor or remote claimant may file a claim under a public works bond obtained and executed pursuant to this section, unless such subcontractor or remote claimant has filed a notice of furnishing required pursuant to section 7, and amendments thereto. As used in this subsection, terms have the meanings provided by section 5, and amendments thereto.*”;

And by renumbering the remaining sections accordingly;

Also on page 5, following line 17, by inserting the following:

“Sec. 14. On July 1, 2011, K.S.A. 60-1103, 60-1110 and 60-1111 are hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 9, by striking “contracts”; in line 10, after the semicolon by inserting “liens; establishing the state construction registry;”; in line 11, by striking “and” where it first appears and inserting a comma; also in line 11, after “16-1904” by inserting “, 60-1103, 60-1110 and 60-1111”; and **H. Sub. for SB 377** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 427** be adopted; and the substitute bill be passed.

On motion of Rep. Bethell, **SB 452** be amended on page 1, following line 16, by inserting the following:

“Section 1. K.S.A. 2009 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may

be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least $\frac{3}{4}$ of the period for which the license is to be issued;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2009 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act;

(4) a person who has a beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state;

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; or

(6) a person who has a beneficial interest in a distributor, retailer, farm winery or microbrewery licensed under this act.

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; or

(4) a person who has a beneficial interest in a manufacturer, retailer, farm winery or microbrewery licensed under this act.

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

~~(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;~~

~~(3) (2) person who has a beneficial interest in a manufacturer or distributor licensed under this act or a person who currently has a beneficial interest in a farm winery;~~

~~(4) (3) person, copartnership or association which has a beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;~~

~~(5) (4) copartnership, unless all of the copartners are qualified to obtain a license;~~

~~(6) (5) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or~~

~~(7) (6) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.~~

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), ~~(f)(2)~~ and K.S.A. 2009 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent

and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.”;

And by renumbering the remaining sections accordingly;

On page 3, in line 9, by striking “41-727 is” and inserting “41-311 and 41-727 are”;

In the title, in line 12, by striking “minors” and inserting “alcoholic beverages; relating to licenses and eligibility”; in line 14, after “Supp.” by inserting “41-311 and”; also in line 14, by striking “section” and inserting “sections”;

Also, on motion of Rep. Mah, **SB 452** be amended on page 3, after line 8, by inserting the following:

“Sec. 2. K.S.A. 2009 Supp. 41-102 is hereby amended to read as follows: 41-102. As used in this act, unless the context clearly requires otherwise:

(a) “Alcohol” means the product of distillation of any fermented liquid, whether rectified or diluted, whatever its origin, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

(b) “Alcoholic liquor” means alcohol, spirits, wine, beer and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer and capable of being consumed as a beverage by a human being, but shall not include any cereal malt beverage.

(c) “Beer” means a beverage, containing more than 3.2% alcohol by weight, obtained by alcoholic fermentation of an infusion or concoction of barley, or other grain, malt and hops in water and includes beer, ale, stout, lager beer, porter and similar beverages having such alcoholic content.

(d) “Caterer” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(e) “Cereal malt beverage” has the meaning provided by K.S.A. 41-2701, and amendments thereto.

(f) “Club” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(g) “Director” means the director of alcoholic beverage control of the department of revenue.

(h) “Distributor” means the person importing or causing to be imported into the state, or purchasing or causing to be purchased within the state, alcoholic liquor for sale or resale to retailers licensed under this act or cereal malt beverage for sale or resale to retailers licensed under K.S.A. 41-2702, and amendments thereto.

(i) “Domestic beer” means beer which contains not more than 8% alcohol by weight and which is manufactured in this state.

(j) “Domestic fortified wine” means wine which contains more than 14%, but not more than 20% alcohol by volume and which is manufactured in this state ~~without rectification~~.

(k) “Domestic table wine” means wine which contains not more than 14% alcohol by volume and which is manufactured without rectification or fortification in this state.

(l) “Drinking establishment” has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(m) "Farm winery" means a winery licensed by the director to manufacture, store and sell domestic table wine and domestic fortified wine.

(n) "Manufacture" means to distill, rectify, ferment, brew, make, mix, concoct, process, blend, bottle or fill an original package with any alcoholic liquor, beer or cereal malt beverage.

(o) (1) "Manufacturer" means every brewer, fermenter, distiller, rectifier, wine maker, blender, processor, bottler or person who fills or refills an original package and others engaged in brewing, fermenting, distilling, rectifying or bottling alcoholic liquor, beer or cereal malt beverage.

(2) "Manufacturer" does not include a microbrewery or a farm winery.

(p) "Microbrewery" means a brewery licensed by the director to manufacture, store and sell domestic beer.

(q) "Minor" means any person under 21 years of age.

(r) "Nonbeverage user" means any manufacturer of any of the products set forth and described in K.S.A. 41-501, and amendments thereto, when the products contain alcohol or wine, and all laboratories using alcohol for nonbeverage purposes.

(s) "Original package" means any bottle, flask, jug, can, cask, barrel, keg, hogshead or other receptacle or container whatsoever, used, corked or capped, sealed and labeled by the manufacturer of alcoholic liquor, to contain and to convey any alcoholic liquor. Original container does not include a sleeve.

(t) "Person" means any natural person, corporation, partnership, trust or association.

(u) "Primary American source of supply" means the manufacturer, the owner of alcoholic liquor at the time it becomes a marketable product or the manufacturer's or owner's exclusive agent who, if the alcoholic liquor cannot be secured directly from such manufacturer or owner by American wholesalers, is the source closest to such manufacturer or owner in the channel of commerce from which the product can be secured by American wholesalers.

(v) (1) "Retailer" means a person who sells at retail, or offers for sale at retail, alcoholic liquors.

(2) "Retailer" does not include a microbrewery or a farm winery.

(w) "Sale" means any transfer, exchange or barter in any manner or by any means whatsoever for a consideration and includes all sales made by any person, whether principal, proprietor, agent, servant or employee.

(x) "Salesperson" means any natural person who:

(1) Procures or seeks to procure an order, bargain, contract or agreement for the sale of alcoholic liquor or cereal malt beverage; or

(2) is engaged in promoting the sale of alcoholic liquor or cereal malt beverage, or in promoting the business of any person, firm or corporation engaged in the manufacturing and selling of alcoholic liquor or cereal malt beverage, whether the seller resides within the state of Kansas and sells to licensed buyers within the state of Kansas, or whether the seller resides without the state of Kansas and sells to licensed buyers within the state of Kansas.

(y) "Secretary" means the secretary of revenue.

(z) (1) "Sell at retail" and "sale at retail" refer to and mean sales for use or consumption and not for resale in any form and sales to clubs, licensed drinking establishments, licensed caterers or holders of temporary permits.

(2) "Sell at retail" and "sale at retail" do not refer to or mean sales by a distributor, a microbrewery, a farm winery, a licensed club, a licensed drinking establishment, a licensed caterer or a holder of a temporary permit.

(aa) "To sell" includes to solicit or receive an order for, to keep or expose for sale and to keep with intent to sell.

(bb) "Sleeve" means a package of two or more 50-milliliter (3.2-fluid-ounce) containers of spirits.

(cc) "Spirits" means any beverage which contains alcohol obtained by distillation, mixed with water or other substance in solution, and includes brandy, rum, whiskey, gin or other spirituous liquors, and such liquors when rectified, blended or otherwise mixed with alcohol or other substances.

(dd) "Supplier" means a manufacturer of alcoholic liquor or cereal malt beverage or an agent of such manufacturer, other than a salesperson.

(ee) "Temporary permit" has the meaning provided by K.S.A. 41-2601, and amendments thereto.

(ff) "Wine" means any alcoholic beverage obtained by the normal alcoholic fermentation of the juice of sound, ripe grapes, fruits, berries or other agricultural products, including such beverages containing added alcohol or spirits or containing sugar added for the purpose of correcting natural deficiencies.;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 9, after "Supp." by inserting "41-102 and"; also in line 9, by striking "is" and inserting "are";

In the title, in line 12, by striking "minors; relating to purchase or consumption of"; in line 13, by striking "by a person less than 18 years of age; detention"; in line 14, after "Supp." by inserting "41-102 and"; also in line 14, by striking "section" and inserting "sections"; and **SB 452** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for Sub. SB 514** be adopted; also, on motion of Rep. Hawk be amended on page 7, in line 16, before "If" by inserting "(a)"; following line 21, by inserting the following:

"(b) The provisions of this act shall not apply to any city or county which has enacted an ordinance or resolution regulating any sexually oriented business.;"

Also, roll call was demanded on motion of Rep. Prescott to rerefer **H. Sub. for Sub. SB 514** to Committee on Federal and State Affairs.

On roll call, the vote was: Yeas 49; Nays 69; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, Gordon, Grant, Hawk, Henry, Hill, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Menghini, Neighbor, Phelps, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwartz, Sloan, Spalding, D. Svaty, Tietze, Trimmer, Wetta, Winn, Worley.

Nays: Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Crum, DeGraaf, Dillmore, Donohoe, Faber, S. Gatewood, George, Goico, Goyle, Grange, Hayzlett, Henderson, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Mast, McCray-Miller, McLeland, Meier, Morrison, Moxley, O'Brien, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Rhoades, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Suellentrop, Swanson, Swenson, Tafanelli, Talia, Vickrey, Ward, Whitham, Williams, B. Wolf, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Fund, Johnson, Merrick, Myers, Neufeld, O'Neal, Peterson.

The motion of Rep. Prescott did not prevail; and **H. Sub. for SB 514** be passed as amended

Committee report recommending a substitute bill to **H. Sub. for SB 25** be adopted; also, on motion of Rep Slattery be amended on page 1, in line 35, by striking "On"; by striking all in lines 36 through 39; and **H. Sub. for SB 25** be passed as amended.

Committee report to **SCR 1614** be adopted; also, on motion of Rep. Burgess be amended on page 1, in line 27, after "Fund" by inserting "and Debt Prepayment Fund"; also in line 27, by striking all after the period; by striking all in lines 28 through 43;

On page 2, by striking all in lines 1 through 22; in line 23, by striking "(e)" and inserting the following: "(a) On July 1, 2011, a budget stabilization fund and a debt prepayment fund shall be established and maintained in the state treasury.

(b) When state tax receipts for a fiscal year increase by more than three percent over state tax receipts for the preceding fiscal year: (1) Any increase in excess of three percent up to the next one percent of state tax receipts collected shall be deposited in the budget stabilization fund; and

(2) any increase in excess of four percent up to the next one-half percent of state tax receipts collected shall be deposited in the debt prepayment fund. Nothing in this subsection shall require state tax receipts to be deposited in the budget stabilization

fund when the budget stabilization fund balance exceeds fifteen percent of the preceding fiscal year's state tax receipts. Nothing in this subsection shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year's total amount of principal of bonded indebtedness serviced by appropriations from the state general fund.

- (c) The legislature may provide, by law, for additional amounts of state tax receipts to be deposited in the budget stabilization fund and the debt prepayment fund.
- (d) (1) Withdrawals from the budget stabilization fund may occur in the current fiscal year only when the current fiscal year's estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount subject to withdrawal shall not exceed the difference between the current fiscal year's estimated state tax receipts and the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.
- (2) Withdrawals from the budget stabilization fund may occur in the ensuing fiscal year only when the ensuing fiscal year's estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount subject to withdrawal shall not exceed the difference between the ensuing fiscal year's estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year's estimated state tax receipts not collected or otherwise received as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year.
- (3) For the purposes of subsections (d)(1) and (d)(2), the attorney general shall be responsible for certifying whether any kind of tax reduction legislation was enacted by the legislature and approved by the governor and if so, the governor shall certify the amount of such reduction. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the budget stabilization fund to the state general fund.
- (e) (1) Withdrawals from the debt prepayment fund may occur only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund in accordance with their terms on or after their first optional redemption date and prior to maturity.
- (2) Prior to any withdrawal from the debt prepayment fund authorized by this subsection, the governor shall be responsible for determining and selecting which bonds will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption. Any withdrawal authorized by this subsection shall be provided for by law enacted in a separate bill that does not include any other matter except a statement that the conditions prescribed by this subsection exist and the authority to transfer a specific amount of money from the debt prepayment fund to the state general fund for the purpose of calling and redeeming selected bonds.
- (f) Amounts in the budget stabilization fund and the debt prepayment fund may be invested as provided by law and the earnings thereon shall be retained in the budget stabilization fund and the debt prepayment fund.
- (g) As used in this section, "state tax receipts" means receipts from any state income tax, sales tax, compensating use tax or other excise tax or tax in the nature of an excise tax, or estate or inheritance tax, or tax in the nature of an estate or inheritance tax, but shall not include receipts from any property tax, or tax in the nature of a property tax, or any tax on motor fuels.
- (h)";

Also on page 2, in line 28, after “fund” by inserting “and a debt prepayment fund”; by striking all in lines 29 through 42 and inserting the following:

“A vote for this amendment will:

- (1) Require that annually, when state tax receipts for a fiscal year increase by more than three percent over the state tax receipts for the preceding fiscal year, up to the next one percent of state tax receipts collected in excess of three percent shall be deposited in the budget stabilization fund. Nothing in this amendment shall require state tax receipts to be deposited in the budget stabilization fund when the budget stabilization fund balance exceeds fifteen percent of the preceding fiscal year’s state tax receipts.
- (2) Require that annually, when state tax receipts for a fiscal year increase by more than four percent over the state tax receipts for the preceding fiscal year, up to the next one-half percent of state tax receipts collected in excess of four percent shall be deposited in the debt prepayment fund. Nothing in this amendment shall require state tax receipts to be deposited in the debt prepayment fund when the debt prepayment fund balance exceeds fifteen percent of the preceding fiscal year’s total amount of principal of bonded indebtedness serviced by appropriations from the state general fund.
- (3) Allow the legislature, by law, to provide for additional amounts of state tax receipts to be deposited in the budget stabilization fund and the debt prepayment fund.
- (4) Allow, by a separate act of the legislature, withdrawals from the budget stabilization fund to occur:
 - (A) In the current fiscal only when the current fiscal year’s estimated state tax receipts are less than the amount of actual state tax receipts collected or otherwise received in the preceding fiscal year. The amount withdrawn shall not exceed the difference between the current fiscal year’s estimated state tax receipts and the amount of actual state tax receipts collected in the preceding fiscal year except that such difference shall be reduced by the amount of the current fiscal year’s estimated state tax receipts not collected as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year; or
 - (B) in the ensuing fiscal year only when the ensuing fiscal year’s estimated state tax receipts are less than the amount of estimated state tax receipts in the current fiscal year. The amount withdrawn shall not exceed the difference between the ensuing fiscal year’s estimated state tax receipts and the amount of estimated state tax receipts in the current fiscal year except that such difference shall be reduced by the amount of the ensuing fiscal year’s estimated state tax receipts not collected as a result of any kind of tax reduction legislation enacted by the legislature and approved by the governor in the current or preceding fiscal year. The attorney general is responsible for determining whether tax reduction legislation was enacted and approved and the governor is responsible for certifying the amount of such reduction.
- (5) Allow, by a separate act of the legislature, withdrawals from the debt prepayment fund only to provide for calling and redeeming selected bonds for which debt service is paid by appropriations from the state general fund on or after their first optional redemption date and prior to maturity. The governor shall be responsible for determining and selecting which bonds will produce the greatest debt service savings to the state general fund, and the attorney general shall be responsible for certifying that the selected bonds are available for optional redemption.”;

In the title, in line 16, after “fund” by inserting “and a debt prepayment fund”;

Also, on motion of Rep. Peck to amend, the motion did not prevail; and **SCR 1614** be adopted as amended.

Committee report to **SB 388** be adopted; also, roll call was demanded on motion of Rep. DeGraaf to amend on page 3, after line 31, by inserting the following:

“New Sec. 3. If individual and group health insurance policies, medical service plans, contracts, hospital service corporation contracts, hospital and medical service corporation contracts, fraternal benefit societies or health maintenance organizations, municipal group-funded pools and the state employee health care benefits plan which are delivered, issued for delivery, amended or renewed on and after July 1, 2010, shall be required to exclude coverage for abortions unless the procedure is necessary to preserve the life of the mother

or in the case of rape reported to a law enforcement agency or in the case of incest involving a minor and reported to a law enforcement agency, such policies, plans, contracts, organizations, societies and pools shall be required to offer a rider covering abortions for which an additional premium is paid.

Sec. 4. K.S.A. 2009 Supp. 40-2,103 is hereby amended to read as follows: 40-2,103. The requirements of K.S.A. 40-2,100, 40-2,101, 40-2,102, 40-2,104, 40-2,105, 40-2,114, 40-2,160, 40-2,165 through 40-2,170, inclusive, 40-2250, K.S.A. 2009 Supp. 40-2,105a and 40-2,105b *and section 3*, and amendments thereto, shall apply to all insurance policies, subscriber contracts or certificates of insurance delivered, renewed or issued for delivery within or outside of this state or used within this state by or for an individual who resides or is employed in this state.

Sec. 5. K.S.A. 2009 Supp. 40-19c09 is hereby amended to read as follows: 40-19c09. (a) Corporations organized under the nonprofit medical and hospital service corporation act shall be subject to the provisions of the Kansas general corporation code, articles 60 to 74, inclusive, of chapter 17 of the Kansas Statutes Annotated, applicable to nonprofit corporations, to the provisions of K.S.A. 40-214, 40-215, 40-216, 40-218, 40-219, 40-222, 40-223, 40-224, 40-225, 40-226, 40-229, 40-230, 40-231, 40-235, 40-236, 40-237, 40-247, 40-248, 40-249, 40-250, 40-251, 40-252, 40-254, 40-2,100, 40-2,101, 40-2,102, 40-2,103, 40-2,104, 40-2,105, 40-2,116, 40-2,117, 40-2,153, 40-2,154, 40-2,160, 40-2,161, 40-2,163 through 40-2,170, inclusive, 40-2a01 *et seq.*, 40-2111 to 40-2116, inclusive, 40-2215 to 40-2220, inclusive, 40-2221a, 40-2221b, 40-2229, 40-2230, 40-2250, 40-2251, 40-2253, 40-2254, 40-2401 to 40-2421, inclusive, and 40-3301 to 40-3313, inclusive, K.S.A. 2009 Supp. 40-2,105a and 40-2,105b *and section 3*, and amendments thereto, except as the context otherwise requires, and shall not be subject to any other provisions of the insurance code except as expressly provided in this act.

(b) No policy, agreement, contract or certificate issued by a corporation to which this section applies shall contain a provision which excludes, limits or otherwise restricts coverage because medicaid benefits as permitted by title XIX of the social security act of 1965 are or may be available for the same accident or illness.

(c) Violation of subsection (b) shall be subject to the penalties prescribed by K.S.A. 40-2407 and 40-2411, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 32, after “Supp.” by inserting “40-2,103,”; also in line 32, by striking “is” and inserting “and 40-19c09 are”;

In the title, in line 12, after “Supp.” by inserting “40-2,103,”; also in line 12, after “40-2c01” by inserting “and 40-19c09”; also in line 12, by striking “section” and inserting “sections”;

On roll call, the vote was: Yeas 70; Nays 45; Present but not voting: 0; Absent or not voting: 10.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Faber, D. Gatewood, George, Goico, Grange, Hayzlett, Henry, Hermanson, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Light, Lukert, Maloney, Mast, McLeland, Meier, Merrick, Morrison, Moxley, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, D. Svaty, Swenson, Tafanelli, Vickrey, Wetta, Whitham, Williams, B. Wolf, Yoder.

Nays: Ballard, Barnes, Benlon, Bollier, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, S. Gatewood, Gordon, Goyle, Hawk, Henderson, Hill, Kuether, Loganbill, Long, Mah, McCray-Miller, Menghini, Neighbor, Pottorff, Quigley, Rardin, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Talia, Tietze, Trimmer, Ward, Wimm, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Craft, Fund, Grant, Johnson, Lane, Myers, Neufeld, Peterson.

The motion of Rep. DeGraaf prevailed.

Also, roll call was demanded on motion of Rep. Trimmer to amend **SB 388** on page 3, following line 31, by inserting the following:

“New Sec. 3. (a) The Kansas health policy authority shall conduct a study on its contract with CVS CareMark, including (1) competitiveness of rates for prescription drug coverage, (2) policy of permissible substitution of generic drugs and (3) comparison of coverage and costs with other providers.

(b) The Kansas health policy authority shall conduct an analysis of the study and shall report the results of the study and such analysis to the house committee on health and human services, the house committee on government efficiency and fiscal oversight and the senate committee on public health and welfare no later than the first day of the 2011 Kansas legislative session.”;

And by renumbering sections accordingly;

On roll call, the vote was: Yeas 62; Nays 52; Present but not voting: 0; Absent or not voting: 11.

Yeas: Ballard, Barnes, Benlon, Bollier, T. Brown, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goyle, Hawk, Henderson, Henry, Hill, Hineman, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Moxley, Neighbor, Palmer, Pauls, Phelps, Pottorff, Proehl, Quigley, Rardin, Roth, Ruiz, Slattery, Spalding, D. Svaty, Swenson, Talia, Tietze, Trimmer, Ward, Wetta, Williams, Winn, K. Wolf.

Nays: Aurand, Bowers, Brookens, A. Brown, Brunk, Carlson, Crum, DeGraaf, Donohoe, Faber, George, Goico, Gordon, Grange, Grant, Haylett, Hermanson, C. Holmes, M. Holmes, Huebert, Jack, Kelley, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Mast, McLeland, Merrick, O’Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Rhoades, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Swanson, Tafaneli, Vickrey, Whitham, B. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Horst, Johnson, Landwehr, Morrison, Myers, Neufeld, O’Brien, Peterson, Sloan.

The motion of Rep. Trimmer prevailed; and **SB 388** be passed 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 bill was thereupon introduced and read by title:

HB 2745, An act concerning taxation; imposing excise tax on the transmission of money by money transmitters; prescribing rate of taxation; procedures; distribution of revenue, by Committee on Taxation.

MESSAGE FROM THE SENATE

Announcing passage of **SB 520, SB 561, SB 570, SB 571, SB 574, SB 581**.

Announcing passage of **HB 2661, HB 2678, HB 2698**.

Announcing passage of **HB 2039**, as amended by **S. Sub. for HB 2039; Sub. HB 2517**, as amended.

The Senate concurs in House amendments to **SB 415**.

The Senate concurs in House amendments to **SB 497**, and requests return of the bill.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 213**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 262**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 387**, requests a conference and has appointed Senators Emler, Vratil and Kelly as conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 520, SB 561, SB 570, SB 571, SB 574, SB 581.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 262**.

Speaker pro tem Siegfried thereupon appointed Reps. Landwehr, Crum and Flaharty as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 387**.

Speaker pro tem Siegfried thereupon appointed Reps. Yoder, Merrick and Feuerborn as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker pro tem Siegfried announced the appointment of Rep. King as a member of the conference committees on **HB 2130, HB 2482, HB 2486** to replace Rep. Vickrey.

REPORT ON ENGROSSED BILLS

HB 2166, HB 2666; Sub. HB 2669 reported correctly engrossed March 22, 2010.

Also, **S. Sub. for HB 2476; HB 2685** reported correctly engrossed March 23, 2010.

REPORT ON ENROLLED BILLS

HB 2415, HB 2448, HB 2455, HB 2469, HB 2485, HB 2503, HB 2557, HB 2577, HB 2588, HB 2589, HB 2604, HB 2638 reported correctly enrolled, properly signed and presented to the governor on March 23, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6027 reported correctly enrolled and properly signed on March 23, 2010.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Wednesday, March 24, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

