

Journal of the House

THIRTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, February 23, 2011, 11:00 a.m.

The House met pursuant to adjournment with Speaker O'Neal in the chair.

The roll was called with 121 members present.
Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.
Rep. Goico was excused on excused absence by the Speaker.
Present later: Rep. Goico.

Prayer by guest chaplain, the Rev. Matt Goodwin, Oakland Church of the Nazarene, Topeka:

*O God, Be with us this day,
within us to purify us;
Above us to draw us up;
Beneath us to sustain us;
Before us to lead us;
Behind us to restrain us;
Around us to protect us'*

(St Patrick)

We pray O God, that your holy and life-giving
Spirit may so move every human heart, that
barriers which divide us may crumble,
suspicions disappear and hatreds cease;
that our divisions being healed, we may live together in
justice and peace; through your strong, yet gentle heart.
We pray for each representative, for great discernment
and wisdom, that their work this day would be of great
benefit to the people of this great state, this country,
and even around the world.

And its in the name of Jesus I pray.

Amen.

The Pledge of Allegiance was led by Rep. Brown.

Kansas Trivia Question – The Kansas Capital has been located in what five locations?

Answer: Fort Riley, the Shawnee Mission, Lecompton, Lawrence and Topeka.

INTRODUCTION OF GUESTS

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

The St. James Academy volleyball program is in just its sixth year of existence, and in that time the team has won three State Championships and one National Title under Coach Nancy Dorsey. This past season, the Lady Thunder went 44-1 on the season, had over twenty victories against teams nationally ranked, won their third straight state title and was crowned National Champions by Prep Volleyball. This is the first time a team in Kansas has ever been named National Champ! It was a very exciting year for an excellent group of girls.

Rep. Donohoe introduced the coaches, managers and team members to the members House.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and concurrent resolution were introduced and read by title:

HB 2363, AN ACT concerning gubernatorial inauguration contributions; amending K.S.A. 25-4186 and repealing the existing section; and also repealing K.S.A. 25-4188, by Committee on Appropriations.

HOUSE CONCURRENT RESOLUTION No. 5021--

By Representatives O'Neal and Davis

A CONCURRENT RESOLUTION relating to the adjournment of the senate and house of representatives for periods during the 2011 regular session of the legislature.

Be it resolved by the House of Representatives of the State of Kansas, the Senate concurring therein: That the legislature shall adjourn at the close of business of the daily session convened on February 25, 2011, and shall reconvene on March 2, 2011, pursuant to adjournment of the daily session convened on February 25, 2011; and That the legislature shall adjourn at the close of business of the daily session convened on March 23, 2011, and shall reconvene on March 28, 2011, pursuant to adjournment of the daily session convened on March 23, 2011; and

That the house of representatives shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and the senate shall adjourn at the close of business of the daily session convened on April 1, 2011, or at the close of business of the daily session convened on April 2, 2011, and both houses of the legislature shall reconvene on April 27, 2011, at 10:00 a.m.; and

Be it further resolved: That the chief clerk of the house of representatives and the secretary of the senate and employees specified by the director of legislative administrative services for such purpose shall attend to their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the legislative coordinating council, the president of the senate or the speaker of the house of representatives, and members of a conference committee attending a meeting of the conference committee authorized by the president of the senate and the speaker of the house of representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensation and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was referred to committees as indicated:

Appropriations: **HB 2362**.

MESSAGES FROM THE SENATE

Announcing passage of **SB 23, SB 24, SB 28, SB 36, SB 41, SB 46, SB 52, SB 80, SB 115, SB 123**.

Announcing passage of **HB 2033**.

Also, announcing passage of **SB 8, SB 55, SB 90, SB 97, SB 108, SB 134**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 8, SB 23, SB 24, SB 28, SB 36, SB 41, SB 46, SB 52, SB 55, SB 80, SB 90, SB 97, SB 108, SB 115, SB 123, SB 134.

CONSENT CALENDAR

No objection was made to **HCR 5009** appearing on the Consent Calendar for the second day.

No objection was made to **HB 2227** appearing on the Consent Calendar for the third day. The bill was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2227, AN ACT concerning crimes, criminal procedure and punishment; relating to warrants; amending K.S.A. 22-2304 and repealing the existing section, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

Sub. HB 2004, AN ACT concerning school districts; relating to certain pupils; amending K.S.A. 72-8303 and 72-8309 and K.S.A. 2010 Supp. 72-1046b and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 40; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Bethell, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Siegfried, Sloan, Smith, Spalding, Suellentrop, Tyson, Vickrey, Victors, Ward, Weber, B. Wolf, Worley.

Nays: Ballard, Billinger, Burroughs, Carlin, Cassidy, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, Grant, Henderson, Henry, Hill, Hineman, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Roth, Ruiz, Schroeder, Shultz, Slattery, Swanson, Tietze, Trimmer, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The substitute bill passed.

HB 2010, AN ACT concerning civil procedure; relating to covered offenses and conduct giving rise to forfeiture; amending K.S.A. 2010 Supp. 60-4104 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox,

Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2027, AN ACT concerning the rules and regulations filing act; amending K.S.A. 77-438 and K.S.A. 2010 Supp. 77-415, 77-421 and 77-436 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 77-421a, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2044, AN ACT concerning motor vehicles; relating to requirements after a collision; amending K.S.A. 8-1604 and K.S.A. 2010 Supp. 8-1602, 8-1605 and section 292 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections; also repealing K.S.A. 2010 Supp. 8-1603 and 8-1606, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 36; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Davis, Denning, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Gregory, Hedke, Henderson, Henry, Hermanson, Hill, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether,

Loganbill, Mah, Mast, McCray-Miller, Meier, Meigs, Mesa, Mosier, Moxley, O'Neal, Osterman, Otto, Pauls, Peck, Phelps, Pottorff, Prescott, Proehl, Roth, Ruiz, Ryckman, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brookens, Brown, Bruchman, Brunk, Burgess, Carlson, Crum, DeGraaf, Donohoe, Gordon, Grange, Grosserode, Hayzlett, Hildabrand, Hineman, Hoffman, Huebert, Kelley, Kinzer, Landwehr, Lane, McLeland, Montgomery, O'Brien, O'Hara, Patton, Peterson, Powell, Rhoades, Rubin, Scapa, Schwartz, Suellentrop, Swanson, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2104, AN ACT concerning mental health information; relating to access by law enforcement officers; amending K.S.A. 2010 Supp. 65-5603 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 9; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, Gordon, Grosserode, Kuether, Landwehr, Peck, Peterson, Ruiz, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2124, AN ACT concerning certified public accountants; relating to professional corporations practicing in partnership; amending K.S.A. 2010 Supp. 1-308 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 1; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Burroughs.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2141, AN ACT concerning property; relating to instruments conveying interests in wind or solar resources; amending K.S.A. 58-2272 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Dillmore, D. Gatewood, Ward.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2151, AN ACT concerning crimes, criminal procedure and punishment; relating to breach of privacy and blackmail; amending sections 64 and 171 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 6; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell,

Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Loganbill, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Burroughs, Dillmore, Kuether, Lane, Mah.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2157, AN ACT concerning taxation; regarding tax information; relating to the disclosure of information to the state treasurer for the purpose of locating unclaimed property owners; amending K.S.A. 2010 Supp. 79-3234 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2158, AN ACT concerning state agencies; relating to performance measures; amending K.S.A. 75-3715 and 75-3716 and K.S.A. 2010 Supp. 74-72,123 and repealing the existing sections, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, Flaharty.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2169, AN ACT designating the junction of United States highway 24 and K-7 highway as the Representative Margaret Long interchange, was considered on final action.

On roll call, the vote was: Yeas 72; Nays 46; Present but not voting: 3; Absent or not voting: 4.

Yeas: Alford, Ballard, Bethell, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Cassidy, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grant, Hayzlett, Henderson, Henry, Hill, Hineman, C. Holmes, Johnson, Kelly, Kerschen, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mosier, Moxley, O'Neal, Osterman, Patton, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Roth, Rubin, Ruiz, Schroeder, Seiwert, Shultz, Siegfried, Slattery, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Arpke, Aurand, Billinger, Bollier, Boman, Brown, Brunk, Calloway, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gordon, Grange, Gregory, Grosserode, Hedke, Hermanson, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Hara, Peck, Powell, Rhoades, Ryckman, Scapa, Schwab, Schwartz, Sloan, Suellentrop, Tyson.

Present but not voting: M. Holmes, O'Brien, Otto.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2182, AN ACT concerning the unused medication act; relating to mail service pharmacies; amending K.S.A. 2010 Supp. 65-1669 and 65-1671 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto,

Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

HB 2184, AN ACT concerning premises liability; relating to recreational purposes; relating to noncommercial aviation; amending K.S.A. 58-3202 and repealing the existing section, was considered on final action.

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

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Dillmore, S. Gatewood, Ward.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

HB 2192, AN ACT regulating traffic; concerning safety belts; traffic controlled lights; amending K.S.A. 8-1508 and 8-2204 and K.S.A. 2010 Supp. 8-2503 and 8-2504 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 22; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Frownfelter, D. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mast, McCray-Miller, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Slattery, Spalding, Tietze, Trimmer, Vickrey, Victors, Ward,

Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Bruchman, Carlin, Colloton, Dillmore, Flaharty, Garber, S. Gatewood, Gordon, Grosserode, Landwehr, Mah, McLeland, Peck, Roth, Schwartz, Sloan, Smith, Suellentrop, Swanson, Tyson, Wetta.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR SPEAKER: I respectfully vote no on **HB 2192**. The bill lacks provisions preventing bicyclists and motorcyclists from circumventing the line of traffic while waiting for a signal to change. Too often operators of motorcycles and bicycles choose to weave through stopped traffic to quickly reach the intersection and continue on their way. If other vehicles have triggered the traffic light and are required to stop and wait for the signal to change, so must motorcyclists and bicyclists.—BARBARA BOLLIER

HB 2249, AN ACT concerning controlled substances; relating to cathinones; amending K.S.A. 2010 Supp. 65-4105 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 9; Present but not voting: 0; Absent or not voting: 4.

Yeas: Alford, Arpke, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Gordon, Grosserode, Hildabrand, Kuether, Landwehr, Lane, Schwab.

Present but not voting: None.

Absent or not voting: Fund, Goico, Kiegerl, K. Wolf.

The bill passed.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2200**, **HB 2251**, **HB 2035**, **HB 2218** be passed over and retain a place on the calendar.

Committee report to **HB 2015** be adopted; and the bill be passed as amended.

On motion of Rep. Ruiz, to rerefer **HB 2130** to Committee on Commerce and Economic Development, the motion did not prevail.

Also, on motion to recommend **HB 2130** favorably for passage, roll call was demanded:

On roll call, the vote was: Yeas 80; Nays 36; Present but not voting: 1; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Gonzalez, Goodman, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Burgess, Burroughs, Carlin, Davis, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: Tyson.

Absent or not voting: Dillmore, Fund, Goico, Kelley, Kiegerl, Rhoades, Wetta, K. Wolf.

The motion to recommend **HB 2130** favorably for passage prevailed and the bill be passed.

Committee report to **HB 2241** be adopted; also, on motion of Rep. Brookens to amend, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2149** be adopted; and the bill be passed as amended.

Committee report to **HB 2231** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Government Efficiency** recommends **HB 2194** be amended on page 1, in line 4, by striking "13" and inserting "15"; in line 5, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 25, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 2, in line 3, by striking "13" and inserting "15"; in line 20, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; also in line 20, by striking "council on efficient"; in line 21, by striking "government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 3, in line 27, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 4, in line 31, by striking all following "the"; in line 32 by striking "government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 7, in line 10, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 39, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships";

On page 8, in line 27, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; in line 36, by striking "13" and inserting "15"; following line 40 by inserting "Sec. 13. The provisions of this act shall only apply to state agencies that receive state appropriations, state general funds or federal funds appropriated through the state.";

And by renumbering the sections accordingly;

Also on page 8, in line 41, by striking "13" and inserting "15";

On page 9, in line 2, by striking "13" and inserting "15"; by striking all in lines 4 and 5; following line 5, by inserting "Sec. 15. The provisions of sections 1 through 15, and amendments thereto, shall expire on July 1, 2014.";

On page 1, in the title, in line 1, by striking "council on efficient government" and inserting "Kansas advisory council on privatization and public-private partnerships"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2195** be amended on page 1, in line 14, by striking "city" and inserting "municipality"; in line 33, before "newspaper" by inserting "official"; in line 34, by striking "greatest circulation in";

On page 2, in line 30, by striking the second comma; by striking all in line 31; in line 32, by striking all before the period; in line 34, by striking "two years" and inserting "18 months"; in line 35, by striking "two-year" and inserting "18-month"; and the bill be passed as amended.

Committee on **Local Government** recommends **HB 2240** be amended on page 3, in line 14, by striking the comma where it appears for the first time;

On page 5, in line 15, after "earnings" by inserting "on a regular basis more often than annually and in which case the calculation of the distributable earnings shall be filed"; in line 16, by striking all after "year"; in line 17, by striking all before the comma; and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. **HR 6011**—

By Committee on Federal and State Affairs

A RESOLUTION expressing support of the Kansas House of Representatives for the state's legal challenge of Obamacare.

WHEREAS, The federal Patient Protection and Affordable Care Act ("Obamacare") was passed by Congress on March 23, 2010 and signed into law by President Obama on March 30, 2010; and

WHEREAS, Obamacare contains harmful provisions designed to create a federally-imposed universal healthcare program; and

WHEREAS, The most egregious of these provisions is an unconstitutional federal mandate requiring all individuals to purchase approved health insurance; and

WHEREAS, The United States House of Representatives of the 112th Congress recently passed the "Repealing the Job-Killing Health Care Law Act" on January 19,

2011. The United States Senate then failed to follow the clear will of the American people by not also passing a full repeal of Obamacare; and

WHEREAS, Kansas, under the direction of Attorney General Derek Schmidt, has joined 25 other states in a legal challenge to the constitutionality of Obamacare in the State of Florida, et al. v. United States Department of Health and Human Services, et al., Case No. 3:10-cv-910RV/EMT (N.D. Fla. 2011); and

WHEREAS, The framers of our constitution created a system of dual sovereignty under which the powers delegated to the federal government are few and defined. Under the commerce clause, Congress may only regulate economic activity between the states and Obamacare's individual mandate clearly constitutes an unprecedented attempt to regulate economic inactivity by forcing private citizens to become market participants; and

WHEREAS, Federal Judge Roger Vinson declared Obamacare an unconstitutional exercise of Congressional power on January 31, 2011. Judge Vinson held: "The individual mandate is outside Congress' commerce clause power, and it cannot be otherwise authorized by an assertion of power under the necessary and proper clause. It is not constitutional."; and

WHEREAS, In reaching his decision, Judge Vinson reasoned that "...never before has Congress required that everyone buy a product from a private company (essentially for life) just for being alive and residing inside the United States." He went on to say, "...if Congress can penalize an individual for failing to engage in commerce, the enumeration of powers in the Constitution would have been in vain for it would have been difficult to perceive any limitation on federal power."; and

WHEREAS, The passage of Obamacare has already had a detrimental effect on the state of Kansas and will continue to raise costs, reduce the quality of care and threaten future prosperity; and

WHEREAS, Obamacare has caused health insurance premiums to rise an average of 5% to 7% in Kansas, and with the bulk of the law's provisions still not scheduled to go into effect for three years, further large premium increases are anticipated in the future; and

WHEREAS, The law's provisions make it more difficult for young adults to afford health coverage, and that is the group that insurer's need to keep overall costs in line; and

WHEREAS, The law acts as a disincentive for small business owners to provide insurance coverage for their employees; and

WHEREAS, The law converts the medicaid program from a federal-state partnership to provide a safety for the needy into a federally-imposed universal healthcare program that removes state discretion and unfairly mandates massive expenditures by the state.

Be it resolved by the House of Representatives of the State of Kansas: That Obamacare is an unconstitutional exercise of federal power that violates the fundamental concepts of federalism and limited government; and

Be it further resolved: That the Kansas House of Representatives wishes to express its steadfast support for the Attorney General's challenge to Obamacare in federal court.

Be it further resolved: That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to attorney general, Derek Schmidt.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2310, HB 2311, HB 2328, HB 2333** from Committee on Appropriations and rereferral to Committee on Pensions and Benefits.

Also, the withdrawal of **HB 2234, HB 2248** from Committee on Education Budget and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2245** from Committee on Education and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2018** from Committee on Appropriations and rereferral to Committee on Education.

Also, the withdrawal of **HB 2321, HB 2322** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2087, HB 2305** from Committee on Appropriations and rereferral to Committee on Judiciary.

Also, the withdrawal of **HB 2109** from Committee on Appropriations and rereferral to Committee on Agriculture and Natural Resources.

Also, the withdrawal of **HB 2259, HB 2277, HB 2318** from Committee on Appropriations and rereferral to Committee on Corrections and Juvenile Justice.

Also, the withdrawal of **HB 2292, HB 2293, HB 2307** from Committee on Appropriations and rereferral to Committee on Insurance.

On motion of Rep. Siegfroid, the House recessed until 1:30 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker O'Neal in the chair.

MESSAGE FROM THE SENATE

Announcing passage of **SB 85, SB 103, SB 125; Sub. SB 127; SB 128.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 85, SB 103, SB 125; Sub. SB 127; SB 128.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Aurand, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2066** be passed.

HB 2034 be passed over and retain a place on the calendar.

Committee report to **HB 2329** be adopted; also, on motion of Rep. Brookens to

amend, the motion did not prevail, and the bill be passed as a amended.

Committee report to **HB 2035** be adopted; also, on motion of Rep. Loganbill to amend, the motion did not prevail. Also, on motion of Rep. Flaharty to amend, the motion did not prevail and the bill be passed as a amended.

Committee report to **HB 2218** be adopted; also, on motion of Rep. Kinzer be amended on page 8, following line 9, by inserting: "New Sec. 5. Nothing in this act shall be construed to repeal any statute dealing with abortion, but shall be considered supplemental to such other statutes."

And by renumbering sections accordingly;

Also, on motion of Rep. Mah to amend, the motion did not prevail, and **HB 2218** be passed as a amended.

Committee report to **HB 2251** be adopted; also, on motion of Rep. Peck to amend, Rep. Trimmer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question then reverted back to the motion of Rep. Peck to amend which did not prevail.

Also, on motion of Rep. Brown to amend **HB 2251**, the motion did not prevail, and the bill be passed as a amended.

Committee report to **HB 2200** be adopted; also, on motion of Rep. McLeland to amend, the motion did not prevail.

Also, on motion of Rep. Huebert, **HB 2200** be amended on page 6, following line 14, by inserting "New Sec. 4. Moneys received by a school district from bonds issued by the school district shall be used for the purposes for which the bonds were issued in pursuant to the election on the bonds."

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

Committee report to **HB 2119** be adopted; also, on motion of Rep. Davis be amended on page 2, in line 20, before "Section" by inserting "New";

On page 2, following line 39, by inserting:

"Sec. 2. K.S.A. 8-305 is hereby amended to read as follows: 8-305. All motor vehicles owned or leased by any political subdivision of the state of Kansas shall bear the name of the political subdivision owning or leasing such vehicle plainly printed on both sides thereof. This act shall not apply to the following:

(a) Municipal fire apparatus, police patrols and ambulances;

(b) passenger vehicles used by plain clothes police officers, county or district attorney investigators or community corrections personnel working in the employ of any political subdivision; and

(c) motor vehicles owned or leased by any municipal university.";

And by renumbering sections accordingly;

On page 3, before line 1, by inserting "Sec. 3. K.S.A. 8-305 is hereby repealed."; in line 1, by striking "2." and inserting "4.";

On page 1, in the title, in line 1, before "accident" by inserting "political subdivisions; relating to"; in line 2, after "fees" by inserting "; relating to marking of vehicles; amending K.S.A. 8-305 and repealing the existing section; and **HB 2119** be passed as amended.

Committee report to **HB 2122** be adopted; and the bill be passed as a amended.

Committee report to **HB 2042** be adopted; and the bill be passed as a amended.

Committee report to **HB 2031** be adopted; and the bill be passed as a amended.

Committee report to **HB 2294** be adopted; also, on motion of Rep. Goodman to

amend, the motion did not prevail.

Also, on motion of Rep. Frownfelter to amend **HB 2294**, the motion was withdrawn.

Also, on motion of Rep. Siegfried to amend, the motion did not prevail. and **HB 2294** be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Aging and Long-Term Care** recommends **HB 2296** be amended on page 2, in line 1, by striking "nine" and inserting "11"; in line 18, by striking "and"; in line 20, by striking the period and inserting "; and

(10) two members appointed by the governor, one of which shall be a former employee of the Kansas neurological institute and the other of which is a parent of a current resident of the Kansas neurological institute.";

On page 3, in line 15, by striking "deposited in this " and inserting "credited to the Kansas neurological institute community conversion conservation"; also in line 15, after "fund." by inserting "All proceeds resulting from a sale , lease, mortgage or any other transaction of Kansas neurological institute real or personal property shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas neurological institute community conversion conservation fund."; and the bill be passed as amended.

Committee on **Agriculture and Natural Resources** recommends **HB 2271** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. 2271," as follows:

"Substitute for HOUSE BILL NO. 2271

By Committee on Agriculture and Natural Resources

"AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections."; and the substitute bill be passed.

(**Sub. HB 2271** was thereupon introduced and read by title.)

Committee on **Corrections and Juvenile Justice** recommends **HB 2312** be amended on page 2, following line 29, by inserting "(i) Violation of subsection (a) is a class A nonperson misdemeanor."; by striking all in line 35; in line 36, by striking "(2)"; and inserting "(1)"; by striking all in lines 37 and 38; in line 39, by striking "(4)"; and inserting "(2)";

And redesignating the remaining paragraphs accordingly;

Also on page 2, in line 40, by striking "approval"; also in line 40, by striking "plead" and inserting "pled";

On page 3, in line 12, by striking "approval"; also in line 12, by striking "plead" and inserting "pled"; in line 13, before "K.S.A." by inserting "section 1, and amendments thereto,"; in line 21, by striking "lead" and inserting "led"; in line 26, following "partnership" where it appears for the first time, by inserting "or limited liability corporation"; also in line 26, following "partnership" where it appears for the second time, by inserting "or limited liability corporation";

On page 4, in line 22, by striking "occured" and inserting "occurred"; in line 39, following "of" where it appears for the first time by inserting "section 1, and amendments thereto,";

On page 5, in line 9, following "board" by inserting "denying."; in line 12, by striking all following the period; by striking all in lines 13 and 14;

On page 6, by striking all in lines 4 through 15; in line 16, by striking "(d)" and inserting "(c)"; in line 22, following "or" by inserting ", if the property is regulated scrap metal,"; in line 23 by striking "property that is" and inserting "such"; in line 24, following "time" by inserting "immediately prior to"; also in line 24, by striking "of property that is" and inserting "such"; also, in line 24, by striking "occurred";

On page 8, in line 40, following "provider" by inserting "or any such wire or cable that has had the sheathing removed, making ownership identification impossible";

On page 9, in line 18, by striking "the following purchases" and inserting "all purchases of property from any person in excess of \$35, copper in any form for any amount, catalytic converters and refrigeration condensing units and related parts,"; in line 19, by striking "a" where it appears for the first time and inserting ":

(1) A";

Also on page 9, in line 21, by striking the first colon and inserting "; or"; by striking all in lines 22 through 25; following line 25 by inserting the following:

"(2) a similar system for automated payment distribution which videotapes and identifies all transactions and participants and is approved by the board of county commissioners or city governing board."; and the bill be passed as amended.

Committee on **Government Efficiency** recommends **HB 2221** be amended by substituting a new bill to be designated as "Substitute for HOUSE BILL NO. HB 2221," as follows:

"Substitute for HOUSE BILL NO. HB 2221

By Committee on Government Efficiency

"AN ACT concerning state agencies; relating to the employee award program; amending K.S.A. 2010 Supp. 75-37,105 and repealing the existing section."; and the substitute bill be passed.

(**Sub. HB 2221** was thereupon introduced and read by title.)

Committee on **Taxation** recommends **HB 2317** be amended on page 1, in line 36, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 2, in line 26, after the period, by inserting "If the section 179 expense deduction election has been made for federal income tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the table provided in subsection (f) for the applicable recovery period of the respective assets."; in line 28, by striking "taxable income" and inserting "net income before expensing or recapture"; in line 29, by striking all after "amount"; by striking all in line 30; in line 31, by striking all before the period and inserting "shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and amendments thereto";

On page 3, in line 21, by striking "taxable income" and inserting "net income before expensing or recapture";

On page 4, after line 8, by inserting "* Not Applicable.";

On page 7, in line 4, by striking "2011" and inserting "2012"; in line 5, by striking "determine" and inserting "estimate"; in line 6, after "of" by inserting "net"; in line 7, by striking "subsection (g) of section 2, section 3, section 4, K.S.A. 79-"; in line 8, by striking all before the period and inserting "any credit, deduction or program pursuant to the provisions of this act as compared to the expense deduction provided for in section 2, and amendments thereto"; in line 15, by striking "many" and inserting "money";

On page 8, by striking all in lines 29 through 43;

On page 9, by striking all in lines 1 through 8;

And by renumbering sections accordingly;

On page 11, in line 36, by striking all after the comma; in line 37, by striking all before "any";

On page 12, in line 9, by striking "and before January"; in line 10, by striking "1, 2017" and inserting "for a qualified business facility investment in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte counties"; in line 11, by striking "\$5,000,000" and inserting "\$1,000,000"; in line 12, by striking all after "filed"; by striking all in line 13; in line 14, by striking all before "prior" and inserting "a certificate of intent to invest in a qualified business facility pursuant to this subsection in Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte county"; in line 15, after "2011," by inserting "and commences investments in a qualified business facility prior to December 31, 2013,";

On page 21, in line 24, by striking "and before"; in line 25 by striking "January 1, 2017,";

On page 47, after line 12, by inserting the following:

"New Sec. 13. Prior to January 1, 2017, the standing committee on assessment and taxation of the senate and the standing committee on taxation of the house of representatives shall review the income tax credit cost effectiveness report prepared by the department of revenue as required pursuant to K.S.A. 74-99b35, and amendments thereto, and other relevant information to determine whether the credits provided in K.S.A. 74-50,132 and subsection (e) of K.S.A. 79-32,160a, and amendments thereto, and the exemption provided in subsection (cc) of K.S.A. 79-3606, and amendments thereto, shall continue in effect or be repealed.";

Also, on page 47, in line 14, by striking "74-50,132,";

On page 1, in the title, in line 6, by striking "74-50,132,"; and the bill 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 introduced and read by title:

HB 2364, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 25-1122, 25-1122d, 25-2309, 25-2908, 25-3002 and 25-3104 and repealing the existing sections, by Committee on Appropriations.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2129** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2303** from Committee on Energy and Utilities and referral to Committee on Appropriations.

REPORT ON ENGROSSED BILLS

HB 2027, HB 2044, HB 2104, HB 2124, HB 2141, HB 2158, HB 2182, HB 2192
reported correctly engrossed Februar 23, 2011.

On motion of Rep. Siegfried, the House adjourned until 9:30 a.m., Thursday, February 24, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

