

Journal of the House

FIFTY-FIRST DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Wednesday, March 30, 2011, 10:00 a.m.

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

The roll was called with 124 members present.

Rep. Fund was excused on verified illness.

Rep. Johnson, Meigs and Mosier were excused later in the day on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Our Heavenly Father,
As we continue the work that we have been called to do,
we sometimes find ourselves between a rock and a hard place.
We receive encouragement from Your Word in the Book of Isaiah:
 “Don’t be afraid...I have called you by name.
When you are in over your head, I’ll be there with you.
When you are in rough waters, you will not go down.
When you are between a rock and a hard place,
 it won’t be a dead end—
 because I am God...*and* I am with you.”
We take heart today in this promise of Yours,
 and thank You for this reassurance.
I pray this in the name of Your Son, Christ Jesus,
 Amen.
(Isaiah 43:6-8 – *The Message*)

The Pledge of Allegiance was led by Rep. Bollier.

Kansas Trivia Question – Since 1986 what specific reptile has been the state’s official reptile?

Answer: The Ornate Box Turtle or *Terrapene Ornata*.

Extra credit for veteran members of the House: On a particularly uncivil day in the legislature, who was nominated to be the state reptile?

Answer: Rep. Kerry Patrick of Johnson County. The nomination was later withdrawn.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bill and resolution were referred to committees as indicated:

Appropriations: **HB 2400**.

Energy and Utilities: **HR 6020**.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **H. Sub. for SB 45** from the calendar under the heading General Orders and referral to Committee on Insurance.

MESSAGES FROM THE SENATE

The Senate concurs in House amendments to **SB 9**.

The Senate concurs in House amendments to **SB 112**.

The Senate accedes to the request of the House for a conference on **HB 2075** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2122** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2133** and has appointed Senators Taddiken, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2134** and has appointed Senators Wagle, Lynn and Holland as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2139** and has appointed Senators Teichman, Masterson and A. Schmidt as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2194** and has appointed Senators King, Longbine and Hensley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2240** and has appointed Senators Reitz, Kelsey and Faust-Goudeau as conferees on the part of the Senate.

Also, announcing passage of **HB 2184**.

Announcing passage of **HB 2158**, as amended by **S. Sub. for HB 2158; HB 2312**, as amended.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Worley, **HR 6018**, A RESOLUTION designating March 30 as "Welcome Home Vietnam Veterans Day," was adopted.

There being no objection, the following remarks of Reps. Mah, Meier and Worley are spread upon the journal:

Remarks by Rep. Mah:

March 30 marks the anniversary of the date of the completion in 1973 of the

withdrawal of US combat units from the former South Vietnam under the Treaty of Paris. In many cases, our veterans were not welcomed back with gratitude and were too often blamed for the failings of a war waged under four administrations.

This is why the Vietnam Veterans of America endorses the establishment of March 30 as “Welcome Home Vietnam Veterans Day”. We have with us today members of the Danny J. Petersen Vietnam Veterans of America Chapter 604 from Topeka, including President Ron Zink and Treasurer Nick Nichum. Ron also serves as the Kansas State Council President. We have members of the Patrick K. Harrold Vietnam Veterans Chapter 75 from Leavenworth, including President Kenny Bowen and Vice President Lynn Rolf, Jr. We also have with us Jack Fowler (Col. Ret.), Executive Director of the Kansas Commission on Veterans Affairs and Wayne Bollig, Director of Veteran Services Programs of the Kansas Commission on Veterans Affairs.

Vietnam veteran Rep. Worley and Iraq veteran Rep. Meier will tell us more about the Welcome Home effort. And we would like to invite down to the well any other Vietnam veterans or spouses of Vietnam Veterans in the House at this time.

Remarks by Rep. Meier:

In 1998, Vietnam Veteran Jose G. Ramos participated in a 1250 mile bicycle ride through Vietnam organized by World T.E.A.M. Sports. The documentary of the ride, “Vietnam, Long Time Coming”, won an Oscar.

In 2000, Ramos began a campaign for a Welcome Home Vietnam Veterans Day. To raise awareness, he rode his bicycle from his home in California to Washington, D.C., asking that March 30 be proclaimed as our national Welcome Home day.

Support for the Welcome Home Day grew slowly, but finally in 2007 the United States Congress unanimously passed House Resolution 189 proclaiming March 30 as national Welcome Home Vietnam Veterans Day. Later the US Senate followed suit. The Kansas Legislature is proud to join in this long overdue recognition.

Remarks by Rep. Worley:

This year, the United States Senate Resolution was introduced by Senator Burr of South Carolina. Senator Burr said, “There’s no question that our troops served our country bravely and faithfully during the Vietnam War, and these veterans deserve our recognition and gratitude. Tragically, when these service members returned home, they were caught in the crossfire of public debate about our nation’s involvement in the Vietnam War. As a result, these brave men and women never received the welcome home and gratitude they fully deserved.”

More than 58,000 members of the United States Armed Forces lost their lives and more than 300,000 were wounded in Vietnam. The establishment of a “Welcome Home Vietnam Veterans Day” serves as a small way to honor these men and women who served our country in Vietnam throughout the war.

I would now like to ask that veterans of any other US war or combat operation stand and be recognized.

INTRODUCTION OF GUESTS

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

Nathan Butler, a sophomore at Leavenworth High School, is this year's Kansas High

School 6A Freestyle and Greco-Roman Wrestling State Champion. Nathan is the captain of the wrestling team as a sophomore. In his spare time, he plays football, the trombone, and is a math whiz with a 4.14 GPA. Jay Johnston is the head coach of the Leavenworth High School wrestling team of outstanding scholar athletes.

Bo Pursel, a junior at Lansing High School, has been a nationally ranked champion wrestler since the age of nine. He recently won his third consecutive Kansas High School 5A State wrestling championship. Bo is a true student athlete with a 3.85 GPA. Bo's coach is Ron Averill, who just completed his 27th season as head coach for the Lansing Lions. Coach Averill was recently named Regional Coach of the Year for the fifth time.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2087, AN ACT to protect rights and privileges granted under the United States or Kansas constitutions, was considered on final action.

On roll call, the vote was: Yeas 122; Nays 2; Present but not voting: 0; Absent or not voting: 1.

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, Goico, 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, Kiegerl, Kinzer, Kleebl, Knox, Landwehr, 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, K. Wolf, Wolfe Moore, Worley.

Nays: Kuether, Lane.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

Sub. HB 2161, AN ACT concerning sales taxation; relating to situs of taxable transactions; sourcing of certain retail sales; exemptions, game birds; amending K.S.A. 2010 Supp. 12-191, 79-3606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 55; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Boman, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Garber, D. Gatewood, Goico, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kerschen, Kiegerl, Kinzer, Kleebl, Knox, Landwehr, Mast, McLeland, Mesa, Montgomery, O'Brien, O'Hara, Osterman, Otto, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa,

Schwab, Schwartz, Seiwert, Siegfried, Smith, Spalding, Suellentrop, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Ballard, Bethell, Billinger, Bollier, Bowers, Brookens, Burroughs, Carlin, Cassidy, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mosier, Moxley, O'Neal, Pauls, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed, as amended.

Sub. HB 2178, AN ACT concerning licenses and permits; relating to nonresident military spouses, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 1; Present but not voting: 0; Absent or not voting: 1.

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, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, 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, K. Wolf, Wolfe Moore, Worley.

Nays: Henderson.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

Sub. HB 2193, AN ACT concerning school districts; relating to school finance; local activities budget, was considered on final action.

On roll call, the vote was: Yeas 56; Nays 68; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Bethell, Bollier, Boman, Bruchman, Brunk, Burgess, Calloway, Carlson, Colloton, Davis, DeGraaf, Denning, Donohoe, Garber, Goico, Goodman, Gordon, Grange, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, Howell, Huebert, Kiegerl, Kinzer, Kleeb, Landwehr, Mast, McLeland, Meigs, Montgomery, O'Brien, O'Hara, O'Neal, Otto, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Seiwert, Siegfried, Slattery, Smith, Spalding, Suellentrop, Vickrey, K. Wolf, Worley.

Nays: Alford, Arpke, Billinger, Bowers, Brookens, Brown, Burroughs, Carlin, Cassidy, Collins, Crum, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D.

Gatewood, S. Gatewood, Gonzalez, Grant, Gregory, Henderson, Henry, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelley, Kelly, Kerschen, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Mosier, Moxley, Osterman, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Schwartz, Shultz, Sloan, Swanson, Tietze, Trimmer, Tyson, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill did not pass.

Sub. HB 2229, AN ACT concerning professional negotiations; establishing the equal access act; amending K.S.A. 2010 Supp. 72-5413 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 69; Nays 55; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Crum, DeGraaf, Denning, Donohoe, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kiegerl, Kinzer, KleeB, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Billinger, Bollier, Brookens, Burroughs, Carlin, Cassidy, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Hill, Johnson, Kelly, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Otto, Pauls, Peterson, Phelps, Pottorff, Roth, Rubin, Ruiz, Ryckman, Schroeder, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, Winn, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Fund.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: We vote "yes" on **Sub. HB 2229**. As a public school teacher, I have never been a member of the NEA due to its policies that do not reflect my core values. In my district the NEA has exclusive access to all teachers, even those who choose not to be members. This bill allows all teachers access to information about alternative associations for the means of liability insurance and other resources. – KELLY MEIGS, GREG SMITH, TOM ARPKE, AMANDA GROSSERODE

SB 80, AN ACT concerning alcoholic beverages; amending K.S.A. 2010 Supp. 41-102, 41-308b and 41-2703 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 11; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens,

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

Nays: Arpke, Collins, Feuerborn, Kelley, Mast, Patton, Pauls, Peck, Scapa, Schroeder, Shultz.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

SB 93, AN ACT concerning racial or other biased-based policing; amending K.S.A.22-4606, 22-4609, 22-4610 and 22-4611, and repealing the existing sections; also repealing K.S.A. 22-4604 and 22-4608, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 36; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Ballard, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Howell, Kuether, Lane, Mah, McCray-Miller, Meier, Pauls, Peterson, Phelps, Pottorff, Roth, Ruiz, Schwartz, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Fund.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We vote "NO" on **SB 93**. Racial profiling in Kansas negatively impacts and discriminates against all individuals and entire communities.

In 2007 the Legislature passed a law making racial profiling unlawful. Comprehensive data collection was and continues to be an important provision of the law.

In **SB 93** we assure law enforcement their due process when accused, however, we don't have a mechanism in place that collects the data that will be able to show irregularities and/or patterns of traffic and pedestrian stops. **SB 93** lacks accountability and is little more than glorified window dressing. – MELODY MCCRAY MILLER, GAIL FINNEY, BARBARA BALLARD, VALDENIA WINN, PONKA-WE VICTORS, SYDNEY CARLIN, LOUIS E. RUIZ, BRODERICK HENDERSON

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

COMMITTEE OF THE WHOLE

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

Recommended that **SB 215** be passed.

H. Sub. for SB 36; HB 2269 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **Sub. HB 2296** be adopted; also, on motion of Rep. Gordon to amend, the motion did not prevail, and the substitute bill be passed.

Committee report to **SB 224** be adopted; and the bill be passed as amended.

Committee report to **SB 227** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Transportation** recommends **SB 225** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 225," as follows:

"HOUSE Substitute for SENATE BILL NO. 225

By Committee on Transportation

"AN ACT regulating traffic; allowing transit buses to operate on certain right shoulders; amending K.S.A. 2010 Supp. 75-5091 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 225** was thereupon introduced and read by title.)

Upon unanimous consent, the House referred back to the order of business, Introduction of Bills and Concurrent Resolutions.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2401, AN ACT concerning taxation; relating to income tax credits; requirements related thereto for joint estimates of revenue to state general fund; amending K.S.A. 2010 Supp. 75-6701 and repealing the existing section, by Committee on Taxation.

HB 2402, AN ACT concerning the bioscience development and investment funds; relating to the centers of excellence and centers for innovation; creating funds; amending K.S.A. 2010 Supp. 74-99b34 and repealing the existing section, by Committee on Appropriations.

On motion of Rep. Siegfried, the House recessed until 2:00 p.m.

 AFTERNOON SESSION

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

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Colloton, the House concurred in Senate amendments to **S. Sub. for HB 2008**, AN ACT concerning crimes, punishment and criminal procedure; relating to identity theft and identity fraud; amending section 285 of chapter 136 of the 2010 Session Laws of Kansas and repealing the existing section; also repealing K.S.A. 2009 Supp. 21-4704, as amended by section 6 of chapter 147 of the 2010 Session Laws of Kansas and K.S.A. 2010 Supp. 21-4704.

Call of the House was demanded.

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

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

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, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, 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, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

On motion of Rep. Colloton, the House concurred in Senate amendments to **HB 2118**, AN ACT concerning crimes, criminal procedure and punishment; relating to supervision fees for appearance bonds; amending K.S.A. 2010 Supp. 21-4603d and 22-2802 and section 244 of chapter 136 of the 2010 Session Laws of Kansas 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 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M.

Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, 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, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

On motion of Rep. Mesa, the House concurred in Senate amendments to **HB 2122**, AN ACT concerning the agricultural ethyl alcohol producer incentive fund; relating to extension; amending K.S.A. 2010 Supp. 79-34,161, 79-34,163 and 79-34,164 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 103; Nays 17; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Aurand, Brown, Denning, Dillmore, Grosserode, Hedke, Hildabrand, Kelley, Kinzer, Landwehr, Meigs, Montgomery, O'Hara, Rhoades, Scapa, Smith, Tyson.

Present but not voting: None.

Absent or not voting: Fund, Gordon, Johnson, Lane, Peterson.

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

COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 36** be adopted; also, on motion of Rep. Kinzer be amended on page 1, in line 5, by striking all after "Abortion"; in line 6 by striking all before the period and inserting:

"means the use or prescription of any instrument, medicine, drug or any other substance or device to terminate the pregnancy of a woman known to be pregnant with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth, or to remove a dead unborn child who died as the

result of natural causes in utero, accidental trauma or a criminal assault on the pregnant woman or her unborn child, and which causes the premature termination of the pregnancy";

Also on page 1, following line 12 by inserting:

"(e) "Elective abortion" means an abortion for any reason other than to prevent the death of the mother upon whom the abortion is performed; provided, that an abortion may not be deemed one to prevent the death of the mother based on a claim or diagnosis that she will engage in conduct which would result in her death. ";

Also on page 1, in line 13, by striking all after "Facility"; by striking all in line 14; in line 15, by striking all before the period and inserting: "means any clinic, hospital or ambulatory surgical center, in which any second or third trimester elective abortion, or five or more first trimester elective abortions are performed in a month, excluding any abortion performed due to a medical emergency as defined in this act, and amendments thereto";

Also on page 1, following line 20, by inserting:

"(i) "Medical emergency" means a condition that, in a reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate abortion of her pregnancy without first determining gestational age in order to avert her death, or for which a delay necessary to determine gestational age will create serious risk of substantial and irreversible physical impairment of a major bodily function. No condition shall be deemed a medical emergency if based on a claim or diagnosis that the woman will engage in conduct which would result in her death or in substantial and irreversible physical impairment of a major bodily function.";

And by redesignating subsections accordingly;

On page 5, in line 10, by striking all after "7."; by striking all in lines 11 through 14; in line 15, by striking all before the period and inserting:

"Except in the case of a medical emergency, as defined in this act, and amendments thereto, an abortion performed when the gestational age of the unborn child is 22 weeks or more shall be performed in a hospital or ambulatory surgical center licensed pursuant to this act. All other abortions shall be performed in a hospital, ambulatory surgical center or facility licensed pursuant to this act. All other abortions shall be performed in a facility licensed pursuant to this act, except that a hospital or ambulatory surgical center that does not meet the definition of a facility under this act and that is licensed pursuant to K.S.A. 65-425 et seq., and amendments thereto, may perform abortions";

Also, roll call was demanded on motion of Rep. Bollier to amend **H. Sub. for SB 36** on page 11, in line 5, by striking all after the period; by striking all in lines 6 through 8;

On roll call, the vote was: Yeas 33; Nays 83; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Ballard, Bollier, Carlin, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Henderson, Hill, Kuether, Loganbill, Mah, McCray-Miller, Mosier, Pottorff, Proehl, Roth, Ruiz, Slattery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Alford, Arpke, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert,

Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Phelps, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, Wetta, Williams.

Present but not voting: None.

Absent or not voting: Bethell, Colloton, Fund, Gordon, Johnson, Kelley, Lane, Peck, Peterson.

The motion of Rep. Bollier did not prevail; and **H. Sub. for SB 36** be passed as amended.

Committee report to **HB 2269** be adopted; also, on motion of Rep. Aurand be amended on page 1, in line 7, by striking all after "(a)"; by striking all in lines 8 through 20; in line 21, by striking "(2)" and inserting "In each school year, the board of education of each school district shall adopt a local foundation budget."; in line 23, by striking "(A)" and inserting "(1)"; in line 25, by striking "(i)" and inserting "(A)"; in line 26, by striking "(ii)" and inserting "(B)"; also in line 26, by striking "(i)" and inserting "(A)"; in line 27, by striking "(iii)" and inserting "(C)"; in line 29, by striking "(ii)" and inserting "(B)"; in line 30, by striking "(iv)" and inserting "(D)"; also in line 30, by striking "(iii)" and inserting "(C)"; in line 31, by striking "(v)" and inserting "(E)"; also in line 31, by striking "(iv)" and inserting "(D)";

On page 2, in line 1, by striking "(B)" and inserting "(2)"; in line 3, by striking "(i)" and inserting "(A)"; in line 4, by striking "(ii)" and inserting "(B)"; also in line 4, by striking "(i)" and inserting "(A)"; in line 6, by striking "(iii)" and inserting "(C)"; also in line 6, by striking "(ii)" and inserting "(B)"; by striking all in lines 8 through 43;

On page 3, by striking all in lines 1 through 19;

On page 9, in line 25, after "(2)" by inserting "financing that portion of the district's local foundation budget which is not financed from any other source provided by law; (3)"; in line 28, by striking "(3)" and inserting "(4)"; following line 38, by inserting:

"(c) In the school years specified in K.S.A. 72-6431, and amendments thereto, upon deposit of the proceeds from the tax levied pursuant to this section in the supplemental general fund, an amount equal to the local foundation budget, as established in section 1, and amendments thereto, shall be transferred to the general fund of the district. Such transfer shall be deemed a reimbursement of general operating expenses.";

And by relettering the remaining subsection accordingly;

Also, on motion of Rep. Otto to amend **HB 2269**, the motion did not prevail; and the bill be passed as amended.

Committee report to **Sub. SB 72** be adopted; also, on motion of Rep. Knox to amend, the motion did not prevail. Also, on further motion of Rep. Knox to amend, the motion did not prevail. Also, on motion of Rep. Hineman to amend, the motion did not prevail. Also, on further motion of Rep. Hineman to amend, the motion did not prevail; and rose and reported progress.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2390** from Committee on Appropriations and referral to Committee on General Government Budget.

On motion of Rep. Siegfried, the House recessed until 6:15 p.m.

 EARLY EVENING SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

HB 2403, AN ACT concerning property taxation; relating to exemptions and classification; bed and breakfast homes; amending K.S.A. 2010 Supp. 79-201c and 79-1439 and repealing the existing sections, by Committee on Taxation.

HB 2404, AN ACT concerning property taxation; relating to exemptions; certain pipeline property; amending K.S.A. 2010 Supp. 79-32,223 and repealing the existing section; also repealing K.S.A. 2010 Supp. 79-227, by Committee on Taxation.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **H. Sub. for SB 101**, and requests return of the bill.

The Senate adopts the Conference Committee report on **HB 2076**.

The Senate adopts the Conference Committee report on **HB 2147**.

The Senate adopts the Conference Committee report on **HB 2151**.

Also, the Senate nonconcur in House amendments to **SB 93**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

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

COMMITTEE OF THE WHOLE

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

Recommended that discussion resume on **Sub. SB 72**; and the substitute bill be passed as amended.

SB 210 be passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House concurred in Senate amendments to **S. Sub. for HB 2132**, AN ACT relating to motor vehicles; providing for the issuance of the families of the fallen license plate; amending K.S.A. 2010 Supp. 8-1,141 and 8-1,147 and repealing the existing sections.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

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, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson,

Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, 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, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Finney, Fund, Gordon, Johnson, Lane, Meigs, Mosier, Peterson.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, the House acceded to the request of the Senate for a conference on **SB 93**.

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

REPORTS OF STANDING COMMITTEES

Committee on **Federal and State Affairs** recommends **SB 25** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL NO. 25," as follows:

"HOUSE Substitute for SENATE BILL NO. 25

By Committee on Federal and State Affairs

"AN ACT establishing the community defense act; amending K.S.A. 2010 Supp. 22-3901 and repealing the existing section."; and the substitute bill be passed.

(**H. Sub. for SB 25** was thereupon introduced and read by title.)

General Government Budget Committee recommends **HB 2390** be amended on page 1, in line 7, by striking "2011" and inserting "2012"; in line 9, by striking "2011" and inserting "2012";

On page 2, in line 43, after "after" by inserting "July 1, 2012, and"; and the bill be passed as amended.

REPORT ON ENGROSSED BILLS

HB 2087, HB 2125 reported correctly engrossed March 29, 2011.

Also, **Sub. HB 2161; Sub. HB 2193** reported correctly engrossed March 30, 2011.

On motion of Rep. Siegfried, the House adjourned until 9:00 a.m., Thursday, March 31, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

