

Journal of the House

SIXTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, May 7, 2012, 10:00 a.m.

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

The roll was called with 119 members present.

Rep. LeDoux was excused on verified illness.

Reps. Hill, Huebert, McCray-Miller, Schwab and Winn were excused on excused absence by the Speaker.

Present later: Reps. Hill and Huebert.

Prayer by Chaplain Brubaker:

Lord,
We pause for a moment and
invite Your Spirit to permeate this room.
I pray for these leaders the following:
Help them to love truth,
gain wisdom,
display courage,
maintain impartiality,
speak tactfully,
remain patient,
live with integrity,
be sharp with insight
and quick to seek discernment.
All these things are those for which
Your Word encourages leaders to seek and to be.
And in the midst of all this,
may they not forget humor,
for Your Word assures us that
“a cheerful disposition is good for *our* health;
gloom and doom leave you bone-tired.”
Please be with Representative Schwab as he
is at the hospital with his son.
May it not be too serious
and we ask for healing of his body.
In Your Son's Name I pray, Amen.
(Proverbs 17:22, *The Message*)

The Pledge of Allegiance was led by Rep. Roth.

MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor on **SB 353**, An Act concerning barbers; relating to the powers of the board; fees; licensure; amending K.S.A. 65-1819 and 65-1820a and K.S.A. 2011 Supp. 65-1817 and 65-1824 and repealing the existing sections,

which was received on April 4, 2012, and was read before the Senate on April 25, 2012.

Message from the Governor

Recent indicators show the economic recovery in Kansas is underway, yet remains fragile. As I set forth in my Roadmap for Kansas, now is the time for government to get out of the way by reducing spending, cutting taxes, and returning to its core functions. Only when the state's economic role is limited to maintaining a fair and safe playing field for all can the resourcefulness, ingenuity, and hard work of Kansans in every field of labor be fully realized. Now is not the time to add layer after layer of regulatory fees, burdensome certification requirements, barriers to entry, and bureaucracy to our economy.

While **SB 353** deals only with one business, it is a clear example of the steady growth of state power over economic activity. By vetoing **SB 353**, I intend not only to prevent this small increase of government interference in the marketplace, but also to send the clear message that Kansas will not accept unnecessary government burdens on the free market. It is time to take the parking brake off of the dynamic economic engine that is the Kansas spirit, which if unleashed, will generate growth and prosperity for all.

Therefore, pursuant to Article 2, Section 14(a) of the Constitution of the State of Kansas, I hereby veto **SB 353**.

SAM BROWNBACK
Governor

Dated: April 4, 2012

There being no motion to reconsider the veto on **SB 353**, the President ruled the veto sustained.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2792, AN ACT reconciling amendments to certain statutes and making certain technical changes related thereto; amending K.S.A. 2011 Supp. 16-1602, 21-5428, 21-6811, 22-3437, 22-4705, 44-703, 44-706, 59-2132, 65-516, as amended by section 5 of 2012 House Bill No. 2660, 65-4915, as amended by section 51 of 2012 Substitute for Senate Bill No. 397, 65-6805, as amended by section 54 of 2012 Substitute for Senate Bill No. 397, 68-1051, as amended by section 2 of 2012 House Bill No. 2441, 72-1397, 72-5445, 74-5602, as amended by section 2 of 2012 House Bill No. 2496, 75-2935, as amended by section 115 of 2012 Senate Bill No. 316, 75-37,121, as amended by section 117 of 2012 Senate Bill No. 316, 76-11a13, 77-421, as amended by section 38 of 2012 House Bill No. 2535, 79-201a, as amended by section 1 of 2012 House Bill No. 2769 and 79-3234, as amended by section 127 of 2012 Senate Bill No. 316 and repealing the

existing sections; also repealing K.S.A. 2011 Supp. 21-5428a, 21-6811a, 22-3437b, 22-4705a, 32-1049a, as amended by section 64 of 2012 Senate Bill No. 316, 44-703a, 44-706b, 65-1436a, 65-4915, as amended by section 1 of 2012 House Bill No. 2428, 65-6805, as amended by section 28 of 2012 House Bill No. 2416, 68-1051, as amended by section 2 of 2012 House Bill No. 2509, 72-5445a, 74-4911f, as amended by section 95 of 2012 Senate Bill No. 316, 74-5089, as amended by section 6 of 2012 Senate Bill No. 417, 74-5602, as amended by section 105 of 2012 Senate Bill No. 316, 74-5602, as amended by section 2 of 2012 Senate Bill No. 424, 75-2935, as amended by section 28 of 2012 Senate Bill No. 417, 75-3372, 75-37,121, as amended by section 33 of 2012 House Bill No. 2416, 77-415, as amended by section 1 of 2012 Senate Bill No. 252, 77-421, as amended by section 123 of 2012 Senate Bill No. 316, 77-421, as amended by section 55 of 2012 House Bill No. 2416, 77-421, as amended by section 2 of 2012 Senate Bill No. 252, 79-201a, as amended by section 124 of 2012 Senate Bill No. 316 and 79-3234b, as amended by section 128 of 2012 Senate Bill No. 316, was considered on final action.

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, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, 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, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Huebert, Kelley, LeDoux, McCray-Miller, Schwab, Weber, Winn.

The bill passed.

HB 2793, AN ACT concerning the Kansas credit services organization act; relating to the exemptions therefrom; amending K.S.A. 50-1116 and 50-1117 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 13; Present but not voting: 0; Absent or not voting: 8.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Hermanson, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr,

Lane, Loganbill, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Brown, Carlin, DeGraaf, Feuerborn, D. Gatewood, S. Gatewood, Grosserode, Henry, Hildabrand, Mah, Phelps, Suellentrop, Wetta.

Present but not voting: None.

Absent or not voting: Hill, Huebert, Kelley, LeDoux, McCray-Miller, Schwab, Weber, Winn.

The bill passed, as amended.

H Sub for SB 313, AN ACT concerning abortion; relating to restrictions on late term abortions; relating to the woman's-right-to-know act; creating the no taxpayer funding for abortion act; amending K.S.A. 60-1901 and K.S.A. 2011 Supp. 40-2246, 65-6701, 65-6703, 65-6709, 65-6710, 76-3308, 79-32,117, 79-32,138, 79-32,182b, 79-32,195, 79-32,261 and 79-3606 and repealing the existing sections; also repealing K.S.A. 2011 Supp. 79-3606g, was considered on final action.

On roll call, the vote was: Yeas 88; Nays 31; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henry, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Worley.

Nays: Ballard, Bollier, Burroughs, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Henderson, Hineman, Kuether, Lane, Loganbill, Mah, Moxley, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Hill, Huebert, LeDoux, McCray-Miller, Schwab, Winn.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **H Sub for SB 313**. While I consider myself a pro-life legislator and usually vote accordingly, I cannot support **H Sub for SB 313**. I believe any legislation that allows physicians to not fully and accurately inform their patients to be the worst health policy imaginable. — KATHY WOLFE MOORE

MR. SPEAKER: I cannot in good conscience vote for a bill that forbids teaching doctors potentially life-saving procedures and forbids hospitals from allowing them, that puts

employers at risk of losing tax coverage when they provide health insurance, that creates a wrongful death suit for the death of a fertilized egg before it attaches to the uterus and becomes a fetus. As a pro life woman, I cannot vote for a bill that will sacrifice the life of any woman or deny her information to save her life. This legislation is a very dangerous precedent of state control. I vote no on **H Sub for SB 313**. – PAT COLLOTON

MR. SPEAKER: Laws that are directed specifically at the women of Kansas have dominated the legislature in recent years. It is tragic that as some have rushed through the passage of these laws, they have failed to properly vet them through the entire committee process. Women must have accurate medical information as well as true informed consent. **H Sub for SB 313** purposely creates confusion about risks associated with medical treatments; it requires limited informed consent information that is one-sided; it allows healthcare providers to withhold information from patients, which is unethical. Therefore, I vote no. – BARBARA BOLLIER, KAY WOLF, SHERYL SPALDING, JO ANN POTTORFF, LOUIS RUIZ, ANNIE TIETZE, ANNIE KUETHER, GAIL FINNEY, TOM BURROUGHS, ED TRIMMER, BARBARA BALLARD, PAUL DAVIS, SYDNEY CARLIN, CHARLES B. ROTH

MR. SPEAKER: If the Governor wonders why our children leave the state, he has only to look at this bill. What woman would stay in a state that thinks she is a stupid cow, incapable of handling the truth about her pregnancy? Where we promote junk science? Where her medical records could be searched for tax violations? Where it is legal for your doctor to lie? Tax breaks don't cause abortions. Unwanted pregnancies cause abortions. Could we work on that? If this bill becomes law, our children will have reason to move away and never come back. Stop this war on women. I vote no on **H Sub for SB 313**. – ANN E. MAH, NILE DILLMORE

MR. SPEAKER: I vote yes on **H Sub for SB 313**. Make no mistake...Abortion is not about health, it is solely about death, the death of a living, human, person that is innocent of any crime.

The act of abortion comes to kill, to thief, and to destroy. We bring this legislation in hopes that the child growing in the mother's womb might have life, and have it to the full. – STEVEN R. BRUNK, S. MIKE KIEGERL, TERRILOIS GREGORY, JIM HOWELL, MARIO GOICO, JOSEPH SCAPA, TOM ARPKE

MR. SPEAKER: I vote no on **H Sub for SB 313** not because of its pro life features, but because of 20 pages of tax law changes that complicate everyone's personal and business life with little or no effect. We can do better. – TOM MOXLEY, DON HINEMAN

SB 314, AN ACT concerning the department of wildlife, parks and tourism; relating to licenses; related to hunting; amending K.S.A. 2011 Supp. 32-906, 32-919, 32-932, 32-937, 32-988 and 32-1002 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 64; Nays 55; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Carlson, Cassidy, Collins, Crum, Denning, Garber, Goico, Goodman, Grange, Gregory, Hayzlett, Hedke, Hermanson, Hineman, Hoffman, C. Holmes, M. Holmes,

Howell, Johnson, Kelly, Kerschen, Kiegerl, Kleebl, Knox, Mast, Meigs, Mesa, Montgomery, O'Neal, Osterman, Phillips, Pottorff, Powell, Prescott, Proehl, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, B. Wolf, Worley.

Nays: Ballard, Bethell, Bollier, Brown, Burgess, Burroughs, Calloway, Carlin, Colloton, Davis, DeGraaf, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Gordon, Grant, Grosserode, Henderson, Henry, Hildabrand, Kelley, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, McLeland, Meier, Moxley, O'Brien, O'Hara, Otto, Patton, Pauls, Peck, Peterson, Phelps, Rhoades, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, K. Wolf, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Hill, Huebert, LeDoux, McCray-Miller, Schwab, Winn.

The bill passed, as amended.

SB 356, AN ACT concerning amusement rides; relating to regulation of home-owned amusement rides; amending K.S.A. 2011 Supp. 44-1601 , 44-1613 and 44-1614 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 5; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, 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, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleebl, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Patton, Pauls, Peck, Peterson, Phelps, Phillips, 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, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Boman, Kuether, Meier, Otto, Ward.

Present but not voting: None.

Absent or not voting: Hill, Huebert, LeDoux, McCray-Miller, Schwab, Winn.

The bill passed.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Landwehr, the House concurred in Senate amendments to **S Sub for S Sub for HB 2249**, AN ACT concerning confidentiality of health information; amending K.S.A. 2011 Supp. 65-6828 and repealing the existing section.

On roll call, the vote was: Yeas 108; Nays 11; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty,

Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Loganbill, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Vickrey, Victors, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Burroughs, Carlin, Dillmore, Feuerborn, S. Gatewood, Gordon, Lane, Mah, O'Hara, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Huebert, LeDoux, McCray-Miller, Schwab, Tietze, Winn.

On motion of Rep. Kinzer, the House concurred in Senate amendments to **HB 2562**, AN ACT concerning public health; relating to emergency care or assistance at the scene of an emergency or accident; concerning certain contracts by the board of healing arts with persons licensed to practice the healing arts; amending K.S.A. 2011 Supp. 65-2878 and repealing the existing section.

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

On roll call, the vote was: Yeas 118; Nays 2; 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, Gordon, Grange, Grant, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Gregory, Tyson.

Present but not voting: None.

Absent or not voting: Huebert, LeDoux, McCray-Miller, Schwab, Winn.

CONFERENCE COMMITTEE REPORTS

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to SB 79 submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill as printed as House Substitute for SB 79, as follows:

On page 1, in line 9, after "constitution" by inserting ", including, but not limited to, equal protection, due process, free exercise of religion, freedom of speech or press, and

any right of privacy or marriage"; in line 21, after "constitutions" by inserting ", including, but not limited to, equal protection, due process, free exercise of religion, freedom of speech or press, and any right of privacy or marriage"; in line 31, after "constitutions" by inserting ", including, but not limited to, equal protection, due process, free exercise of religion, freedom of speech or press, and any right of privacy or marriage";

On page 2, in line 4, after "constitutions" by inserting ", including, but not limited to, equal protection, due process, free exercise of religion, freedom of speech or press, and any right of privacy or marriage"; in line 11, after "dispute," by inserting "including, but not limited to, equal protection, due process, free exercise of religion, freedom of speech or press, and any right of privacy or marriage,";

Also on page 2, following line 25, by inserting:

"Sec. 8. Without prejudice to any legal right, this act shall not apply to a corporation, association, partnership, limited liability company, limited liability partnership or other legal entity that contracts to subject itself to foreign law or courts in a jurisdiction other than this state or the United States.";

And by renumbering the remaining section accordingly;

And your committee on conference recommends the adoption of this report.

LANCE KINZER

JOE PATTON

JANICE L. PAULS

Conferees on part of House

THOMAS C. OWENS

JEFF KING

DAVID HALEY

Conferees on part of Senate

On motion of Rep. Kinzer, the conference committee report on **H Sub for SB 79** was adopted.

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, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, KleeB, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, 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, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Huebert, LeDoux, McCray-Miller, Schwab, Winn.

COMMITTEE ASSIGNMENT CHANGE

Speaker O'Neal announced Rep. Smith would replace Rep. Schwab on the Committee on Redistricting for today, May 7, 2012.

On motion of Rep. Siegfried, the House recessed until 4:00 p.m.

LATE AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate adopts the Conference Committee report to agree to disagree on **S Sub for HB 2117**, and has appointed Senators Donovan, Apple and Holland as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S Sub for Sub HB 2333** and has appointed Senators Morris, King and Kelly as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Siegfried, pursuant to subsection (k) of Joint Rule 4 of the Joint Rules of the Senate and House of Representatives, the rules were suspended for the purpose of considering **S Sub for HB 2117; HB 2729**.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Powell, the House nonconcurrent in Senate amendments to **HB 2729** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Powell, Kerschen and Williams as conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Senate Substitute for HB 2117** submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

LES DONOVAN

PAT APPLE

Conferees on part of Senate

RICHARD CARLSON

MARVIN KLEEB

Conferees on part of House

On motion of Rep. Carlson the conference committee report on **S Sub for HB 2117** to agree to disagree, was adopted.

Roll call was demanded.

On roll call, the vote was: Yeas 68; Nays 48; Present but not voting: 0; Absent or not voting: 9.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Hara, O'Neal, Osterman, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Siegfried, Smith, Suellentrop, Tyson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bethell, Bollier, Brookens, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Grange, Grant, Henderson, Henry, Hill, Hineman, Kuether, Loganbill, Mah, Meier, Moxley, Otto, Pauls, Phelps, Phillips, Pottorff, Proehl, Roth, Ruiz, Slatery, Sloan, Spalding, Swanson, Tietze, Trimmer, Victors, Ward, Wetta, Williams, K. Wolf, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Kelley, Lane, LeDoux, McCray-Miller, Patton, Peterson, Schwab, Shultz, Winn.

Speaker O'Neal thereupon appointed Reps. Carlson, Kleeb and Dillmore as second conferees on the part of the House.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Tuesday, May 8, 2012.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

