

# Journal of the House

FIFTY-THIRD DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, March 29, 2012, 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. LeDoux was excused on verified illness.

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

As we prepare for this legislative session today I bring words from King David in Psalm 61:1–4 (NLT)

<sup>1</sup>O God, listen to my cry! Hear my prayer! <sup>2</sup>From the ends of the earth, I cry to you for help when my heart is overwhelmed. Lead me to the towering rock of safety,

<sup>3</sup>for you are my safe refuge, a fortress where my enemies cannot reach me. <sup>4</sup>Let me live forever in your sanctuary, safe beneath the shelter of your wings!

In these times when people are thinking differently about you and our world we are in desperate need of your wisdom and involvement in all we do. I ask Father that you would lift up these men and women as each day they make decisions that have far reaching impact. The weight of these decisions can take a high toll on not just their public life, but also on their private life.

As they are reminded Father of responsibility toward our state, I pray that they will find peace in the midst of the daily challenge of building consensus and I ask for restoration of broken relationships. May your Spirit of power, love, and self-discipline rule in this chamber. In Jesus name I pray, Amen.

The Pledge of Allegiance was led by Rep. Dillmore.

Kansas Trivia Question – A town north of Newton was named for a sea captain who transported Mennonite immigrants from Europe to America and drowned saving passengers on a return voyage. What is the name of the town?

Answer: Goessel

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

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

Appropriations: **HB 2790, SB 427.**

Corrections and Juvenile Justice: **SB 453.**

Health and Human Services: **Sub SB 459.**

Veterans, Military and Homeland Security: **HR 6025.**

**REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS**

The following resolution appearing on the Calendar as “To Be Referred” was referred to committee as indicated:

Federal and State Affairs: **HR 6026.**

**MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Grosserode, **HR 6024**, A resolution designating every Sunday as “Cooking With Kids Day,” was adopted.

On motion of Rep. Gordon, **HR 6023**, A resolution encouraging participation in the American Public Health Association and the Kansas Public Health Association National Public Health Week, April 2-8, 2012, was adopted.

**FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS**

**HB 2572**, AN ACT concerning the adjutant general; relating to the funding for disasters; creating the disaster reimbursement fund and the Kansas emergency management and homeland security fund, was considered on final action.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: 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, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, 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, 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: LeDoux.

The bill passed, as amended.

**HB 2694**, AN ACT concerning the state capitol building; requiring the establishment of a capitol prayer and meditation room, was considered on final action.

On roll call, the vote was: Yeas 107; Nays 17; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Ballard, Bethell, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Fawcett, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Kuether, Loganbill, Mah, Mast, McCray-Miller, 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, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Swanson, Tietze, Trimmer, Vickrey, Victors, Ward, Weber, Wetta, Williams, Winn, B. Wolf, K. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brown, Burgess, Burroughs, Donohoe, Feuerborn, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Henry, Landwehr, Lane, McLeland, Suellentrop, Tyson.

Present but not voting: None.

Absent or not voting: LeDoux.

The bill passed, as amended.

**H Sub for SB 62**, AN ACT concerning medical care facilities; relating to abortion; sterilization; amending K.S.A. 65-443, 65-446 and 65-447 and K.S.A. 2011 Supp. 65-444 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 29; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, 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, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Peterson, Phelps, Phillips, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Smith, Suellentrop, Swanson, Tyson, Vickrey, Weber, Wetta, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Ballard, Bollier, Carlin, Colloton, Davis, Dillmore, Finney, Flaharty, S. Gatewood, Gordon, Henderson, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Spalding, Tietze, Trimmer, Victors, Ward, Winn, K. Wolf.

Present but not voting: None.

Absent or not voting: LeDoux.

The substitute bill passed.

## EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on **H Sub for HB 62** because of the bill's unintended consequences. One of the side effects of high dose chemotherapy for advanced or metastatic cancer is sterilization. An oncologist who knows that and has an objection to sterilization could, under this bill, refuse cancer treatment to a woman and refuse to refer her to someone who will treat her, potentially resulting in the death of the woman.

– JUDITH LOGANBILL, ANNIE KUETHER

MR. SPEAKER: Seeking medical help involves not only the provider but also the patient. This bill deprives the patient of the right to a referral for the treatment or information they might need. If this wasn't a concern, nationally recognized organizations would not feel the need to include that referral in their policy statements. We represent all Kansans, patients and health care providers. I vote no on **H Sub for SB 62**. – ANNIE TIETZE, GAIL FINNEY, BARBARA BOLLIER, CHARLIE ROTH, ED TRIMMER, LOUIS RUIZ, HAROLD LANE, GERALDINE FLAHARTY, BRODERICK HENDERSON, MELODY MCCRAY-MILLER, SYDNEY CARLIN, VALDENIA WINN, PAUL DAVIS, BARBARA BALLARD

**H Sub for SB 142**, AN ACT concerning civil procedure; relating to exercise of religion, was considered on final action.

On roll call, the vote was: Yeas 91; Nays 33; Present but not voting: 0; Absent or not voting: 1.

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

Nays: Ballard, Bethell, Bollier, Burroughs, Carlin, Davis, Dillmore, Finney, Flaharty, Frownfelter, S. Gatewood, Gordon, Grant, Henderson, Hill, Hineman, Johnson, Kuether, Lane, Loganbill, Mah, McCray-Miller, Pottorff, Roth, Ruiz, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: LeDoux.

The substitute bill passed, as amended.

## EXPLANATIONS OF VOTE

MR. SPEAKER: The State of Kansas Constitution holds one of the strongest codified definitions of religious liberty. So, we know that **H Sub for SB 142** is not about religious freedom **and** it's not just about cities and counties.

**H Sub for SB 142** will affect every Regent's university that protects sexual orientation. It will affect every State of Kansas employee who is currently covered by the policy protecting state employees from discrimination based on sexual orientation.

**H Sub for SB 142** is unnecessary and discriminatory. I vote no. – MELODY MCCRAY-MILLER

MR. SPEAKER: Over the years we have seen a lot of gotcha bills. **H Sub for SB 142** is one of those bills. It implies that people's religious freedom is at risk. However, what it really does is discriminate against certain people. This may warrant a post card during the election cycle, but we still have to vote "NO." – BOB GRANT, ED TRIMMER

MR. SPEAKER: As a minority woman I have been discriminated against my whole life. Therefore, I oppose anything that legalizes discrimination, and that is why I am voting no on **H Sub for SB 142**. – PONKA-WE VICTORS

MR. SPEAKER: I strongly support protecting the constitutional right to freedom of religion and agree with the vast majority of what is contained in this bill. But this bill has a provision that has the effect of nullifying the ability of a city or county to craft an anti-discrimination ordinance that reflects the desires of their particular community. This is the antithesis of local control and for these reasons I vote NO on **H Sub for SB 142**. – PAUL DAVIS, GAIL FINNEY, ANNIE TIETZE, ANNIE KUETHER, BARBARA BALLARD, TOM SLOAN, CHARLIE ROTH, SYDNEY CARLIN, LOUIS RUIZ, ANN MAH, NILE DILLMORE, GERALDINE FLAHARTY, HAROLD LANE, BRODERICK HENDERSON, MIKE SLATTERY, JUDITH LOGANBILL, VALDENIA WINN, BARBARA BOLLIER

**H Sub for H Sub for SB 176**, AN ACT concerning redistricting; relating to congressional districts; relating to state representative districts; providing for the reapportionment thereof; repealing K.S.A. 2011 Supp. 4-136, 4-137, 4-138, 4-139, 4-140, 4-141, 4-142, 4-3,731, 4-3,732, 4-3,733, 4-3,734, 4-3,735, 4-3,736, 4-3,737, 4-3,738, 4-3,739, 4-3,740, 4-3,741, 4-3,742, 4-3,743, 4-3,744, 4-3,745, 4-3,746, 4-3,747, 4-3,748, 4-3,749, 4-3,750, 4-3,751, 4-3,752, 4-3,753, 4-3,754, 4-3,755, 4-3,756, 4-3,757, 4-3,758, 4-3,759, 4-3,760, 4-3,761, 4-3,762, 4-3,763, 4-3,764, 4-3,765, 4-3,766, 4-3,767, 4-3,768, 4-3,769, 4-3,770, 4-3,771, 4-3,772, 4-3,773, 4-3,774, 4-3,775, 4-3,776, 4-3,777, 4-3,778, 4-3,779, 4-3,780, 4-3,781, 4-3,782, 4-3,783, 4-3,784, 4-3,785, 4-3,786, 4-3,787, 4-3,788, 4-3,789, 4-3,790, 4-3,791, 4-3,792, 4-3,793, 4-3,794, 4-3,795, 4-3,796, 4-3,797, 4-3,798, 4-3,799, 4-3,800, 4-3,801, 4-3,802, 4-3,803, 4-3,804, 4-3,805, 4-3,806, 4-3,807, 4-3,808, 4-3,809, 4-3,810, 4-3,811, 4-3,812, 4-3,813, 4-3,814, 4-3,815, 4-3,816, 4-3,817, 4-3,818, 4-3,819, 4-3,820, 4-3,821, 4-3,822, 4-3,823, 4-3,824, 4-3,825, 4-3,826, 4-3,827, 4-3,828, 4-3,829, 4-3,830, 4-3,831, 4-3,832, 4-3,833, 4-3,834, 4-3,835, 4-3,836, 4-3,837, 4-3,838, 4-3,839, 4-3,840, 4-3,841, 4-3,842, 4-3,843, 4-3,844, 4-3,845, 4-3,846, 4-3,847, 4-3,848, 4-3,849, 4-3,850, 4-3,851, 4-3,852, 4-3,853, 4-3,854, 4-3,855, 4-3,856, 4-3,857 and 4-3,858, was considered on final action.

On roll call, the vote was: Yeas 81; Nays 43; Present but not voting: 0; Absent or not voting: 1.

Yeas: Alford, Arpke, Aurand, Bethell, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kiegerl, Kleeb, Knox, Mast, McLeland, Mesa, Montgomery, Moxley, O'Brien, O'Neal, Osterman, Otto,

Phillips, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Weber, B. Wolf, K. Wolf, Worley.

Nays: Ballard, Brown, Burgess, Burroughs, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Goodman, Gordon, Henderson, Henry, Hildabrand, Kinzer, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, O'Hara, Patton, Pauls, Peck, Peterson, Phelps, Ruiz, Slattery, Smith, Tietze, Victors, Ward, Wetta, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: LeDoux.

The substitute bill passed.

### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House nonconcurred in Senate amendments to **HB 2757** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Hayzlett, Prescott and Wetta as conferees on the part of the House.

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

### COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted: Recommended that **SB 387** be passed.

Committee report recommending a substitute bill to **H Sub for SB 40** be adopted; and the substitute bill be passed.

On motion of Rep. Ward to amend **HB 2789**, Rep. Crum requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment germane. The question reverted back to the amendment of Rep. Ward.

Also, roll call was demanded on motion of Rep. Crum to refer **HB 2789** to Committee on Appropriations.

On roll call, the vote was: Yeas 69; Nays 54; Present but not voting: 1; Absent or not voting: 1.

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

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

Present but not voting: Kiegerl.

Absent or not voting: LeDoux.

The motion of Rep. Crum prevailed, and **HB 2789** be rereferred to Committee on Appropriations.

#### **MESSAGE FROM THE GOVERNOR**

**Sub HB 2207; HB 2335, HB 2491, HB 2669, HB 2675, HB 2677, HB 2683** approved on March 29, 2012.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Burgess, the House nonconcurred in Senate amendments to **HB 2649** and asked for a conference.

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

#### **INTRODUCTION OF ORIGINAL MOTIONS**

In accordance with House Rule 1309, Rep. Grant moved that **HB 2002** be withdrawn from Committee on Federal and State Affairs, and also, pursuant to House Rule 2311, in accordance with House Rule 1503(b), that the bill be placed on General Orders as the second order of business on March 30, 2012.

The Chief Clerk of the House is directed to cause this motion to be printed in the Calendar of March 30 under the order of business "Consideration of Motions and Resolutions Offered on a Previous Day" as provided by House Rule 1309.

In accordance with House Rule 1309, Rep. O'Hara moved that **HB 2577** be withdrawn from Committee on Federal and State Affairs, and also, pursuant to House Rule 2311, in accordance with House Rule 1503(b), that the bill be placed on General Orders as the first order of business on March 30, 2012.

The Chief Clerk of the House is directed to cause this motion to be printed in the Calendar of March 30 under the order of business "Consideration of Motions and Resolutions Offered on a Previous Day" as provided by House Rule 1309.

#### **REPORT ON ENGROSSED BILLS**

**S Sub for HB 2526; Sub HB 2659** reported correctly engrossed March 28, 2012.

Also, **HB 2461** reported correctly re-engrossed March 28, 2012.

**HB 2572, HB 2694** reported correctly engrossed March 29, 2012.

#### **REPORT ON ENGROSSED RESOLUTIONS**

**HCR 5006** reported correctly engrossed March 28, 2012.

#### **REPORT ON ENROLLED RESOLUTIONS**

**HR 6022** reported correctly enrolled and properly signed on March 29, 2012.

On motion of Rep. Siegfried, the House adjourned until 10:00 a.m., Friday, March 30, 2012.

SUSAN W. KANNARR, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

