

Journal of the House

FIFTY-THIRD DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, March 28, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Masterson was excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Dear Lord,
We come to the end of another busy week.
Thanks for all You have helped us
accomplish the last few days.
Be with us today as we continue
to make decisions.
May we not rush into unwise resolutions
in order to get finished quickly;
however, may we not deliberate and
prolong a decision that needs and can be made promptly.
As we all go home for the weekend,
please keep us safe and grant us
quality time with family and friends.
And, as hard as it is for me to pray for this,
I do ask that You help the Kansas team in the Sweet 16
to play well and make us all proud to be Kansans.
In Christ's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Swanson.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution appearing on the calendar as "To be Referred" were referred to committees as indicated:

Energy and Utilities: **SB 676, SB 692.**
Federal and State Affairs: **Sub. SB 458; SCR 1625.**
Taxation: **HB 2992.**

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **SB 521**, requests a conference and has appointed Senators Teichman, Wysong and Steineger as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2018** and has appointed Senators Allen, Donovan and Lee 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 2434** and has appointed Senators Allen, D. Schmidt and Lee 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 2529** and has appointed Senators Allen, Donovan and Lee 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 2541** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **Sub. HB 2562** and has appointed Senators Brungardt, Reitz and Gilstrap 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 2590** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2642** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2643** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2700** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2707** and has appointed Senators Vratil, Bruce and Goodwin as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2750** and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2892** and has appointed Senators McGinn, Ostmeyer and Francisco as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 521**.

Speaker pro tem Dahl thereupon appointed Reps. Hayzlett, Peck and Long as conferees on the part of the House.

CONSENT CALENDAR

No objection was made to **SB 464** 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

SB 464, An act concerning insurance; relating to waiving certain requirements regarding reinsurance agreements when an insurance company ceases to do business; amending K.S.A. 2007 Supp. 40-5201 and 40-5210 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed.

HB 2616, An act concerning amusement rides; relating to inspection and regulation thereof; prohibiting certain acts and providing penalties and remedies for violations, was considered on final action.

On roll call, the vote was: Yeas 110; Nays 13; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Crow, Feuerborn, Gordon, Henry, Huebert, Kiegerl, Kinzer, Lane, McKinney, Patton, Phelps, Ward.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

HB 2786, An act relating to antique vehicles; concerning certain license plates; amending K.S.A. 2007 Supp. 8-172 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Feuerborn, Landwehr.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed.

HB 2843, An act concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2007 Supp. 74-50,181, 74-50,182, 74-50,186, 74-50,187, 74-50,188, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton,

Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brown, C. Holmes, Kinzer, Peterson.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

HB 2924, An act establishing civilian conservation corps day, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed.

HB 2932, An act concerning sales taxation; relating to countywide retailers' sales tax; exemptions; amending K.S.A. 2007 Supp. 12-187, 12-189, 12-192, 79-3603 and 79-3606 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 89; Nays 34; Present but not voting: 0; Absent or not voting: 2.

Yeas: Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flora, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Huebert, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Light, Long, Lukert, Mast, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, B. Wolf.

Nays: Aurand, Ballard, Bethell, Davis, Flaharty, Frownfelter, Garcia, Henderson, Holland, Humerickhouse, Huntington, Kiegerl, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Menghini, Owens, Peterson, Phelps, Powers, Roth, Ruiz, Sloan, Tietze, Treaster, Whitham, Wilk, Winn, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

HB 2973, An act concerning elections; relating to certain primary elections; amending K.S.A. 25-2021, 25-2108a and 71-1415 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 120; Nays 3; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Dillmore, Ward.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

SB 46. An act concerning crimes and punishment; amending K.S.A. 21-4201 and 21-4205 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 105; Nays 18; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Feuerborn, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Treaster, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlin, Colloton, Crow, Dillmore, Faust-Goudeau, Flaharty, Garcia, Hawk, Henderson, Kuether, Loganbill, Mah, Peterson, Ruiz, Storm, Tietze, Trimmer, Winn.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

H. Sub. for SB 169. An act concerning elections; amending K.S.A. 2007 Supp. 25-1122, 25-1123, 25-2908, 25-3002 and 25-4501 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 74; Nays 49; Present but not voting: 0; Absent or not voting: 2.

Yeas: Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Grant, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Mast, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Hawk, Henderson, Henry, Holland, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Neighbor, Palmer, Pauls, Peterson, Phelps, Quigley, Roth, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.
The substitute bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: I strongly oppose enactment of **H. Sub. for SB 169**. This bill effectively will lessen the number of voters at the polls in future elections, denying the poor and disenfranchised the opportunity to exercise their constitutional rights. Voter turnout lessens every cycle. The Bush Administration's "Help America Vote Act" resulted in the loss of 462 polling places statewide in 2006. Enacting stricter voting regulations will further erode our most important Democratic process, our right to choose our leaders. Mr. Speaker, I must protest this bill. I vote no on **H. Sub. for SB 169**.—TERRY L. MCLACHLAN

H. Sub. for Sub. SB 309, An act concerning health care workers; relating to licensed professional nurses and licensed practical nurses at state institutions, paid nutrition assistants, nurse aides, medication aides and home health aides; employment after retirement and transferring certain powers and duties to the board of nursing; amending K.S.A. 65-1,120, 65-1,121 and 65-5115 and K.S.A. 2007 Supp. 39-936, 39-970, 65-1124, 65-5117, 74-1106 and 74-4914 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burgess, Patton.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed, as amended.

H. Sub. for SB 329, An act enacting the Kansas illegal alien reform act; amending K.S.A. 21-3830, 22-2802 and 25-2416, 8-1324 and 44-766 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 96; Nays 27; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, Dillmore, Donohoe, Feuerborn, Frownfelter, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, McCray-Miller, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Colyer, Dahl, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, Henderson, Holland, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Mah, Mast, McLeland, Judy Morrison, Patton, Peck, Rhoades, Ruff, Sawyer.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **H. Sub. for SB 329**. As amended, this bill fails to provide meaningful immigration reform, indeed it is likely to make the situation worse. This bill is drafted in a fashion that ensures its employer sanction provisions, already weak on their face, will never be enforced; they are both practically unworkable and almost certainly preempted by federal law. Furthermore the public benefits restrictions in the amended bill are actually weaker than existing law. For the first time Kansas will be creating a statutory right for unauthorized aliens to receive any and all state financed medical care, no questions asked. This bill is a facade.—LANCE KINZER, JOHN FABER, KASHA KELLEY, PEGGY MAST, BRENDA LANDWEHR, JEFF COLYER, STEVE HUEBERT, MIKE KIEGERL, VIRGIL PECK JR., STEVEN R. BRUNK, JOE MCLELAND

MR. SPEAKER: After discussing what occurred last evening with my wife and expressing my disappointment, I resolved to vote yes for this weak immigration bill because this is the biggest issue with the voters and I have to vote for something. After recalling the comments by many of us about surveys with our districts I changed my mind. I can't go home and tell the voters something other than the truth on this "gutted" bill. I know this may cost me endorsements from special interest groups but I choose the people over special interest. Don't turn your back on 80% of Kansas for a few endorsements, I vote no on **H. Sub. for SB 329**.—ANTHONY R. BROWN

MR. SPEAKER: When the federal government fails to protect its borders, immigrants flood into our United States willing to accept dangerous, degrading and dreadfully underpaid jobs. **H. Sub. for SB 329** takes an extremely limp, wet noodle and slaps the hands of Kansas employers who engage in the predatory practice of hiring illegal workers. Knowing full well that those same employers will mistreat them, ignore their injuries and dismiss any who speak out for justice, lawmakers in support of **H. Sub. for SB 329** perpetuate the insatiable needs of some Kansas employers for cheap, disposable labor. Not me. I vote no on **H. Sub. for SB 329**.—L. CANDY RUFF

MR. SPEAKER: When **H. Sub. for SB 329** came to the floor it was a 22 oz. Steak, and I voted two times to keep all that beef in the bill. Now it is a Kiddie burger and I ask "Where's the Beef." Still it is all I can get and the people of Kansas are starving for action so Mr. Speaker I vote a reluctant yes on **H. Sub. for SB 329**.—BILL OTTO

MR. SPEAKER: Immigration is a federal issue, but it is our duty as lawmakers to be sure that all employers play by the rules here in Kansas. Knowingly hiring unauthorized workers drives down wages. It puts honest employers at a competitive disadvantage. We need all the workers we have, but we need them to be legal, earning a fair wage, working in safe conditions, and paying taxes. This bill gives employers who hire unauthorized workers a pass for three more years. They should be held accountable now, not in 2011. Kansas workers and honest employers deserve that. I'll stand up for them. I vote no on **H. Sub. for SB 329**.—ANN E. MAH

MR. SPEAKER: I vote "yes" on **H. Sub. for SB 329** because Kansas needs responsible immigration reform. The failure of the Federal Government to enact meaningful reform has forced us to act.

This bill targets and punishes employers who intentionally hire and abuse illegal aliens by strengthening current penalties and creating new crimes to combat actions that target and exploit undocumented workers. It also requires that the state of Kansas assist employers in their efforts to verify the status of workers and ensure that Kansas has a legal workforce. It protects organizations that reach out and assist those among us who struggle to survive and appropriately penalizes intentional lawbreakers.—RAY MERRICK

MR. SPEAKER: The problem of illegal immigration and the strain it has placed upon our state has gone unattended for too long. The failure of the Federal Government to enact meaningful reform and enforce current law has forced us to act.

Many businesses face competition from employers who falsify documents, knowingly hire, and exploit illegal aliens for personal profit. Individuals who commit these crimes must be distinguished from the majority of law-abiding businesses and their crimes must be met with enforceable and appropriate penalties.

This bill targets and punishes unlawful employers and requires the State's assistance in verifying workers' status. Mr. Speaker, I vote "yes" on **H. Sub. for SB 329**.—LANA GORDON

MR. SPEAKER: I vote "no" on **H. Sub. for SB 329** because though I share and understand everyone's frustration on this issue of immigration, probably more than anyone in this chamber, from the beginning of this discussion on the issue of immigration this session, I have repeatedly said these anti-immigrant related bills are like putting a bandaid on a huge problem that requires major surgery which could mainly be done at a federal level per our U.S. Constitution. I vote no because I still believe this bill does this, and this bill does not solve the real problem at hand.—DELIA GARCIA, GERALDINE FLAHARTY, OLETHA FAUST-GOUDEAU

MR. SPEAKER: I vote no on **H. Sub. for SB 329**. The Kansas House continues to ignore Kansas working families and employers that play by the rules by passing a piece of legislation that refuses to hold unscrupulous employers accountable for knowingly hiring illegal immigrants. We can and simply must do better than this.—TOM HOLLAND

H. Sub. for SB 379, An act concerning contracts; relating to indemnification provisions and additional insured parties; amending K.S.A. 16-121 and repealing the existing section, was considered on final action.

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

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed, as amended.

Sub. SB 453, An act concerning rural development; establishing the Kansas commission on rural policy concerning the rural housing incentive act; pertaining to certain definitions; amending K.S.A. 2007 Supp. 12-5242 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 93; Nays 30; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Carlin, Carlson, Colyer, Craft, Crum, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelsey, King, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mast, McKinney, McLachlan, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Svaty, Swanson, Swenson,

Tafanelli, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Colloton, Crow, Dillmore, Donohoe, Flora, Gordon, Henderson, Huebert, Huntington, Kelley, Kiegerl, Kinzer, Landwehr, Mah, McCray-Miller, McLeland, Merrick, Neighbor, Patton, Powers, Quigley, Rardin, Siegfried, Storm, Tietze, Ward, Winn.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed, as amended.

SB 469. An act concerning telecommunications; relating to local exchange carriers and carriers of last resort; relating to pricing flexibility and the lifeline service program; amending K.S.A. 66-2006 and 66-2009 and K.S.A. 2007 Supp. 66-2005 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 121; Nays 2; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber, McKinney.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

Sub. SB 491. An act concerning scheduled substance and drug of concern; enacting the prescription monitoring program act; creating the prescription monitoring program advisory committee, methamphetamine precursor scheduling task force and veterinary prescription monitoring program task force; enacting the methamphetamine precursor recording act, was considered on final action.

On roll call, the vote was: Yeas 117; Nays 6; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Bethell, Dillmore, Gordon, Schwartz, Watkins.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed, as amended.

SB 512. An act concerning emergency medical services; relating to attendant's certificate requirements; amending K.S.A. 65-6112 and 65-6129 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

SB 518. An act enacting the DeSoto/Johnson county riverfront authority act; creating a riverfront authority and prescribing the powers and duties thereof, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 9; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Carlson, Dillmore, Faber, Flaharty, Mast, Pottorff, Tafanelli, Treaster, Winn.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed.

Sub. SB 535. An act concerning credit unions; pertaining to field of membership; pertaining to mergers; pertaining to branches; amending K.S.A. 17-2205, 17-2206 and 17-2228 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 8; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Lane, Light, Long, Lukert, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Pe-

terson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burgess, Dillmore, Kiegerl, Kuether, Loganbill, Mah, Storm, Winn.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: **SB 535** hurts some credit unions and helps all banks. It prevents the growth of competition for retail consumers of financial services. Banks handle 95% of financial transactions and one has to wonder why they are so eager to ask us to diminish the role of credit unions who provide lower rates for loans and higher interest for deposits. Banks “nickle and dime” the consumer with various fees and charge exorbitant rates on credit cards. They ought to concentrate on providing better service at lower cost rather than asking the legislature to hamper competition. I vote no on **SB 535**.—MIKE KIEGERL

MR. SPEAKER: I vote yes on **SB 535**. I am pleased that the credit unions and banks have resolved their differences surrounding field of membership. I heard a lot from credit union and bank supporters in my district and I know that they have spent a lot of time and energy educating all of us about this issue.

Now that a compromise has been reached between the industries, credit unions and banks can return their focus to doing what they do best—serving their members, and Kansas consumers and business. Credit unions provide valuable services to their 550,000-plus members and banks to their clients. I am glad the compromise continues to allow consumer choice, something that we should strive to protect in the legislature.—MARIO GOICO, DEENA HORST

SB 565, An act relating to the state fair board; concerning background investigations for certain employees; amending K.S.A. 2-205 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

SB 570, An act concerning telecommunications; relating to the Kansas universal service fund; relating to broadband development; amending K.S.A. 66-127 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe,

Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

SB 586. An act concerning the energy; relating to electric utilities; amending K.S.A. 74-8941 and K.S.A. 2007 Supp. 66-128, 74-616, 79-258 and 79-259 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 19; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Long, Lukert, Mah, Mast, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Garcia, Grant, Kuether, Lane, Loganbill, McCray-Miller, McKinney, Palmer, Pauls, Peterson, Phelps, Ruiz, Trimmer.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. O'Neal, the House concurred in Senate amendments to **HB 2188**, An act concerning civil procedure; relating to medical and professional malpractice screening panels; amending K.S.A. 60-3502, 60-3503, 60-3505, 60-3508, 65-4901, 65-4902, 65-4904 and 65-4907 and repealing the existing sections.

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

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treas-

ter, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Yoder.

Present but not voting: None.

Absent or not voting: Hodge, Masterson.

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **HB 2637** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurrent in Senate amendments to **HB 2734** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrent in Senate amendments to **HB 2780** and asked for a conference.

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

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **SB 148** from Committee on Appropriations and referral to Committee of the Whole.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2839** be passed.

H. Sub. for SB 180; HB 2928, HB 2775, HB 2685; SB 471 be passed over and retain a place on the calendar.

Committee report to **SB 534** be adopted; also, roll call was demanded on motion of Rep. Kelley to amend on page 11, in line 39, by striking "this act" and inserting "sections 1 through 7"; in line 41, by striking "this act" and inserting "sections 1 through 7";

On page 12, following line 8, by inserting the following:

"Sec. 9.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

| | |
|---|-------------|
| Operating expenditures — veteran services | \$1,114,764 |
|---|-------------|

Provided, That any unencumbered balance in the operating expenditures — veterans affairs account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

| | |
|--|-----------|
| Operations — state veterans cemeteries | \$544,778 |
|--|-----------|

Provided, That any unencumbered balance in the operations — state veterans cemeteries account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009:

Provided further, That expenditures from this account for official hospitality shall not exceed \$500.

| | |
|--|-------------|
| Operating expenditures — Kansas soldiers' home | \$2,546,207 |
|--|-------------|

Provided, That any unencumbered balance in the operating expenditures — Kansas soldiers' home account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

| | |
|--|-------------|
| Operating expenditures — Kansas veterans' home | \$2,760,788 |
|--|-------------|

Provided, That any unencumbered balance in the operating expenditures — Kansas veterans' home account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Additional operating expenditures — veterans homes and cemeteries... \$457,465

Provided, That any unencumbered balance in the additional operating expenditures — veterans homes and cemeteries account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Operating expenditures — administration \$445,194

Provided, That any unencumbered balance in the operating expenditures — administration account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Operating expenditures — Persian Gulf War veterans health initiatives \$4,000

Provided, That any unencumbered balance in the operating expenditures — Persian Gulf War veterans health initiatives account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Veterans claim assistance program — service grants..... \$500,000

Provided, That any unencumbered balance in the veterans claim assistance program — service grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Provided further, That expenditures from the veterans claim assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: Provided however, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

| | |
|--|-------------|
| Soldiers' home fee fund | \$2,113,788 |
| Soldiers' home benefit fund | No limit |
| Soldiers' home work therapy fund | No limit |
| Veterans' home fee fund..... | \$3,211,851 |
| Persian Gulf War veterans health initiative fund..... | No limit |
| Veterans' home canteen fund | No limit |
| Veterans' home benefit fund | No limit |
| Soldiers' home outpatient clinic fund | No limit |
| State veterans cemeteries fee fund..... | No limit |
| State veterans cemeteries donations and contributions fund | No limit |
| Outpatient clinic patient federal reimbursement fund — federal | No limit |
| VA burial reimbursement fund — federal | \$30,000 |
| Veterans home federal fund..... | \$2,961,606 |
| Soldiers home federal fund..... | \$2,930,561 |
| Commission on veterans affairs federal fund..... | \$127,942 |
| Kansas veterans memorials fund | No limit |

(c) The number of full-time and regular part-time positions equated to full-time, paid from appropriations for fiscal year 2009, made in this or other appropriation act of the 2009 regular session of the legislature for the Kansas commission on veterans affairs shall not exceed 536.75 except upon approval of the state finance council.

Sec. 10.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures — veteran services \$40,000

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, the following:

Soldiers' home rehabilitation and repair projects \$71,284

(c) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Veterans' home facilities rehabilitation and repair projects; veterans' home capital improvement federal match; cemetery repair and rehabilitation projects.

Sec. 11.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects \$540,380
Veterans' home rehabilitation and repair projects..... \$153,531

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans' cemeteries federal construction grant fund..... No limit';

And by renumbering the remaining sections accordingly:

On page 1, in the title, in line 12, by striking "concerning certain claims against the state,"

On roll call, the vote was: Yeas 96; Nays 26; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Beamer, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goico, Gordon, Goyle, Grant, Hawk, Henderson, Holland, C. Holmes, M. Holmes, Horst, Huebert, Johnson, Kelley, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powers, Proehl, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Sloan, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, Yoder.

Nays: Aurand, Bethell, Bowers, Burgess, George, Grange, Hayzlett, Henry, Hill, Humerickhouse, Huntington, Kelsey, Neufeld, Pottorff, Powell, Quigley, Roth, Schwartz, Siegfried, Spalding, Tafanelli, Whitham, Wilk, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Hodge, Masterson, McLeland.

The motion of Rep. Kelley prevailed.

Also, on motion of Rep. Ruff, SB 534 be amended on page 12, after line 8, by inserting the following:

"Sec. 8. In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from any special revenue fund for the Kansas commission on veteran's affairs for fiscal year 2009 by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for the above agency for fiscal year 2009 for the Kansas commission on veterans affairs shall establish and administer a veterans enhanced service delivery program within the veterans claims assistance program in accordance with this section to ensure delivery of services to all veterans, their dependents and survivors and where necessary to bring those services to veterans. The veterans enhanced service delivery program shall incorporate a reorganized veteran services program and mobile offices to reach and support all veterans, their dependents and survivors. By combining mobile offices and wireless technology the veterans enhanced service delivery program shall ensure all veterans have access to service. The director of the veterans claims assistance program, shall appoint subordinate officers and employees, subject to the approval of the executive director of the Kansas commission on veterans affairs.

(b) The veterans claims assistance advisory board shall advise the Kansas commission on veterans affairs and the director of the veterans claims assistance program who shall implement and administer the veterans enhanced service delivery program.

(c) The Kansas commission on veterans affairs shall adopt rules and regulations to implement and administer the veterans enhanced service delivery program. The rules and regulations shall include: (1) Duties and responsibilities of the veterans claims assistance advisory board to oversee the operation and reorganization of veteran services within the veterans claims assistance program and the introduction of the mobile office concept; (2) the development of criteria for the location, maintenance and staffing of mobile offices and veteran service offices; (3) the development of criteria for joint outreach programs between veteran service organizations, state and federal agencies providing services to veterans and the Kansas commission on veterans affairs; (4) targeted outreach programs to reach minority veterans, veterans in rural Kansas communities, homebound veterans and those in nursing homes or those with limited mobility; and (5) the development of criteria for working with staff at the federal veterans administration offices and clinics throughout Kansas, state agencies, county health departments, community organizations, business leaders and veteran service organizations to ensure the broadest reach of the program.

(d) The reorganization of veteran services shall include the use of mobile claims offices as necessary and a strong rural outreach program to streamline and modernize Kansas' delivery services and benefits to veterans, their dependents and survivors allowing veterans in every community in Kansas to maximize their ability to file claims and receive all benefits to which they are entitled.

Sec. 9. The legislative budget committee shall annually study and review the veterans enhanced service delivery program of the Kansas commission on veterans affairs under this act. The Kansas commission on veterans affairs shall prepare and present annual reports of activities and expenditures under the veterans enhanced service delivery program.

Sec. 10. The legislative post auditor shall conduct audits of the veterans enhanced service delivery program under this section in accordance with the provisions of the legislative post audit act. Each such audit shall focus on how much spending from the state general fund would be or has been reduced because of increased federal benefits paid to veterans resulting from the veterans enhanced service delivery program. Reports of such audits shall be submitted to the legislature at the beginning of the regular session of the legislature held during 2009 and 2012. The 2009 audit report shall estimate the savings from the time the veterans enhanced service delivery program was implemented and as projected for the remainder of fiscal year 2009 and for fiscal years 2010, 2011 and 2012.

Sec. 11. The legislative post auditor shall conduct an audit to determine how much money is spent from the state general fund for services to veterans or family members of veterans that could be replaced by federal benefits through the United States department of veterans affairs.”;

And by renumbering the remaining section accordingly;

Also, on motion of Rep. Fund to amend **SB 534**, the motion did not prevail. Also, on further motion of Rep. Fund to amend, the motion did not prevail, and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2543** be adopted; and the substitute bill be passed.

Committee report recommending a substitute bill to **H. Sub. for SB 365** be adopted; also, on motion of Rep. Bethell be amended on page 5, following line 40, by inserting the following:

“Sec. 7.

DEPARTMENT ON AGING

(a) For the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, the legislature, acting during the 2008 regular session, hereby adopts the specific recommendations that the legislature, acting during the 2009, 2010, and 2011 regular sessions, should pass appropriation acts which provide the following funding, subject to appropriation acts enacted by the legislature for the following home and community based services priorities for the the fiscal years specified for the department on aging:

LTC — medicaid assistance — HCBS/FE — waiting list priority

| | |
|---|-------------|
| For the fiscal year ending June 30, 2010..... | \$1,600,000 |
| For the fiscal year ending June 30, 2011..... | \$1,600,000 |
| For the fiscal year ending June 30, 2012..... | \$1,600,000 |

Provided, That any moneys appropriated in the LTC — medicaid assistance — HCBS/FE — waiting list priority account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for the purposes of providing services for persons on the waiting lists for the home and community — based services waiver for the frail elderly.

LTC — medicaid assistance — HCBS/FE — community capacity expansion

| | |
|---|-----------|
| For the fiscal year ending June 30, 2010..... | \$500,000 |
| For the fiscal year ending June 30, 2011..... | \$500,000 |
| For the fiscal year ending June 30, 2012..... | \$500,000 |

Provided, That any moneys appropriated in the LTC — medicaid assistance — HCBS/FE — community capacity expansion account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for increased rates of payment to service providers under the home and community — based services waiver for the frail elderly.

Sec. 8.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) For the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, the legislature, acting during the 2008 regular session, hereby adopts the specific recommendations that the legislature, acting during the 2009, 2010, and 2011 regular sessions, should pass appropriation acts which provide the following funding, subject to appropriation acts enacted by the legislature for the following home and community based services priorities for the department of social and rehabilitation services and the fiscal years specified:

Community based services — waiting list priority — DD

| | |
|---|--------------|
| For the fiscal year ending June 30, 2010..... | \$10,000,000 |
| For the fiscal year ending June 30, 2011..... | \$10,000,000 |
| For the fiscal year ending June 30, 2012..... | \$15,000,000 |

Provided, That any moneys appropriated in the community based services — waiting list priority — DD account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for the purposes of providing services for persons on the waiting lists for the home and community — based services waiver for persons with developmental disabilities.

Community based services — community capacity expansion — DD

| | |
|---|--------------|
| For the fiscal year ending June 30, 2010..... | \$15,000,000 |
| For the fiscal year ending June 30, 2011..... | \$10,000,000 |
| For the fiscal year ending June 30, 2012..... | \$10,000,000 |

Provided, That any moneys appropriated in the community based services — community capacity expansion — DD account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for the purposes of providing services for persons on the waiting lists for the home and community — based services waiver for persons with developmental disabilities.

Community based services — waiting list priority — PD

| | |
|---|-------------|
| For the fiscal year ending June 30, 2010..... | \$4,500,000 |
| For the fiscal year ending June 30, 2011..... | \$4,500,000 |
| For the fiscal year ending June 30, 2012..... | \$4,500,000 |

Provided, That any moneys appropriated in the community based services — waiting list priority — PD account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for the purposes of providing services for persons on the waiting lists for the home and community — based services waiver for persons with physical disabilities.

Community based services — community capacity expansion — PD

| | |
|---|-------------|
| For the fiscal year ending June 30, 2010..... | \$2,000,000 |
| For the fiscal year ending June 30, 2011..... | \$2,000,000 |
| For the fiscal year ending June 30, 2012..... | \$2,000,000 |

Provided, That any moneys appropriated in the community based services — community capacity expansion — PD account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for increased rates of payment to service providers under the home and community — based services waiver for persons with physical disabilities.

| | |
|--|-----------|
| Community based services — waiting list priority — TBI | |
| For the fiscal year ending June 30, 2010..... | \$800,000 |
| For the fiscal year ending June 30, 2011..... | \$800,000 |
| For the fiscal year ending June 30, 2012..... | \$800,000 |

Provided, That any moneys appropriated in the community based services — waiting list priority — TBI account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for the purposes of providing services for persons on the waiting lists for the home and community — based services waiver for persons with traumatic brain injuries.

| | |
|---|-----------|
| Community based services — community capacity expansion — TBI | |
| For the fiscal year ending June 30, 2010..... | \$200,000 |
| For the fiscal year ending June 30, 2011..... | \$200,000 |
| For the fiscal year ending June 30, 2012..... | \$200,000 |

Provided, That any moneys appropriated in the community based services — community capacity expansion — TBI account for the fiscal years ending on June 30, 2010, June 30, 2011, June 30, 2012, should be used for increased rates of payment to service providers under the home and community — based services waiver for persons with traumatic brain injuries.”;

And by renumbering the remaining sections accordingly;

Also, on motion of Rep. Owens to amend **H. Sub. for SB 365**, the motion did not prevail, and the substitute bill be passed as amended.

Committee report to **SB 669** be adopted; also, on motion of Rep. Hill be amended on page 4, after line 10, by inserting:

“New Sec. 6. (a) As used in this section:

(1) Words and phrases used in this section shall have the meanings ascribed thereto by K.S.A. 72-6407, and amendments thereto, except as provided by this subsection.

(2) “School district” means U.S.D. No. 253, Emporia.

(3) “Base school year” means the school year 2007-2008.

(b) When computing the general fund budget of the school district for school year 2008-2009, the adjusted enrollment of the school district shall be the greater of:

(1) The adjusted enrollment of the district as defined by K.S.A. 72-6407, and amendments thereto; or

(2) Ninety-eight percent of the adjusted enrollment of the school district in the base school year.

New Sec. 7. (a) As used in this section:

(1) Words and phrases used in this section shall have the meanings ascribed thereto by K.S.A. 72-6407, and amendments thereto, except as provided by paragraphs (2), (3) and (4).

(2) “School district” means U.S.D. No. 101, Erie, U.S.D. No. 257, Iola, U.S.D. No. 367, Osawatimie, U.S.D. No. 422, Greensburg, U.S.D. No. 445, Coffeyville, U.S.D. No. 446, Independence, U.S.D. No. 461, Neodesha and U.S.D. No. 484, Fredonia.

(3) “Disaster” means the occurrence of widespread or severe damage, injury or loss of life or property resulting from any natural or manmade cause including, but not limited to, fire, flood, earthquake, tornado, wind, storm, drought, epidemics, air contamination, blight, infestation or explosion and as a result of such disaster.

(4) “Base school year” means school year 2006-2007.

(b) The provisions of this section shall apply to any school district in which: (1) A disaster has occurred and which is located in an area in which the governor has issued a proclamation

declaring a state of disaster emergency pursuant to K.S.A. 48-924, and amendments thereto, and the president of the United States, pursuant to the federal Robert T. Stafford disaster relief and emergency assistance act and the federal disaster relief and emergency assistance amendments of 1988, has declared a major disaster to exist; and (2) as a result of the destruction or damage to housing caused by such disaster the enrollment of the district declined by at least 25 pupils or by a number equal to 2% or more of the district's enrollment.

(c) When computing the general fund budget of a school district for the second, third and fourth school years following the base school year, the adjusted enrollment of the school district shall be the greater of:

(1) The adjusted enrollment of the district as defined by subsection (e) of K.S.A. 72-6407, and amendments thereto; or

(2) the adjusted enrollment of the school district in the base school year less any enrollment attributable to the special education weighting, school facilities weighting, ancillary school facilities weighting, cost of living weighting and preschool-aged at-risk pupils in the base school year; plus any enrollment attributable to the special education weighting, school facilities weighting, ancillary school facilities weighting, cost of living weighting and preschool-aged at-risk pupils in the current school year.

(d) Districts desiring to determine adjusted enrollment under this section shall submit any documentation or information required by the state board.;

And by renumbering sections accordingly:

On page 6, in line 24, by striking "enrollment" where it appears for the last time and inserting ": (1) Enrollment"; in line 30, before the period, by inserting "; or (2) adjusted enrollment as determined under section 6 or 7, and amendments thereto";

In the title, in line 10, before "amending" by inserting "relating to school finance;"; and **SB 669** be passed as amended.

Committee report to **SB 510** be adopted; also, on motion of Rep. Schroeder be amended on page 2, by striking all in line 29 and inserting the following:

"Sec. 3. K.S.A. 2007 Supp. 79-223 is hereby amended to read as follows: 79-223. (a) It is the purpose of this section to promote, stimulate, foster and encourage new investments in commercial and industrial machinery and equipment in the state of Kansas, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation all newly purchased or leased commercial and industrial machinery and equipment, including machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. Commercial and industrial machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a bona fide transaction not consummated for the purpose of avoiding taxation.

Second. Commercial and industrial machinery and equipment transported into this state after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto. *Any property improperly reclassified after June 30, 2006, solely for the purpose of avoiding taxation shall not be eligible for an exemption pursuant to this section.*

(d) As used in this section:

(1) "Acquired" shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) “commercial and industrial machinery and equipment” means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas;

(3) “qualified lease” means a lease of commercial and industrial machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery and equipment is physically transferred to the lessee to be used in the lessee’s business or trade; and

(4) “qualified purchase” means a purchase of commercial and industrial machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser’s business or trade.

(e) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

Sec. 4. K.S.A. 2007 Supp. 79-201j and 79-223 are hereby repealed.”; And by renumbering the remaining section accordingly;

On page 1, in the title, in line 15, after “79-201j” by inserting “and 79-223”; also in line 15, by striking “section” and inserting “sections”; and **SB 510** be passed as amended.

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 118, by Representative Schwartz, congratulating the Riley County High School Lady Falcons on winning the 2007-2008 3A State Championship title;

Request No. 119, by Representative Lane, congratulating the Highland Park High School Basketball Team on winning the State 5A basketball championship for the second consecutive year;

Request No. 120, by Representative Vickrey, congratulating Roxanne Bollin and Jeannie Woolsey on creating Heads Up and organizing the “On Your Mark” run;

Request No. 121, by Representative Wilk, congratulating Brad Holcomb on attaining the rank of Eagle Scout;

Request No. 122, by Representative Tietze, congratulating the Hayden High School Boys’ Basketball Team on winning the State 4A basketball championship for the seventh time;

Request No. 123, by Representative McCray-Miller on behalf of the African American Legislative Caucus, commending Delta Sigma Theta Sorority for community and national services;

Request No. 124, by Representative Moxley, congratulating Francis R. George on his 100th birthday;

Request No. 125, by Representative Worley, congratulating Stephanie Snodgrass on receiving a Girl Scout Gold Award;

Request No. 126, by Representative Fund, congratulating Halsey Wright on receiving a Girl Scout Gold Award;

Request No. 127, by Representative Peck, congratulating Jimmie and Mary Atkinson on their 60th wedding anniversary;

Request No. 128, by Representative Mast, in memory of Staff Sgt. Bryant W. Mackey, who gave his life for his country in Iraq;

Request No. 129, by Representative Dahl, congratulating Amanda Steiner being crowned Ms. Wheelchair Kansas for 2008;

Request No. 130, by Representative Gatewood, congratulating Charles G. Venturella, WWII Navy veteran, for receiving an honorary diploma from Riverton High School;

Request No. 131, by Representative Bowers, congratulating Hadrian Currier on winning the 2008 Cloud County Spelling Bee for the third consecutive year

Request No. 132, by Representative Bowers, congratulating Bill Graham for 60 years of membership in the American Legion;

Request No. 133, by Representative Bowers, congratulating Roger and Gretchen Nelson on their 50th Wedding Anniversary;

Request No. 134, by Representative Bowers, congratulating Quinton Church on winning the Ottawa County Spelling Bee for the third consecutive year;

Request No. 135, by Representative Menghini, congratulating Norma Jean Miller Bolt on her 80th birthday;

Request No. 136, by Representative Tapanelli, congratulating Roy Dunnaway on his 25 years as Jefferson County Sheriff;

Request No. 137, by Representative Vickrey, congratulating Carl and Betty Morgan on their 60th wedding anniversary;

Request No. 138, by Representative Vickrey, congratulating Sterling P. Hornbuckle on being installed as Most Worshipful Grand Master of the Most Worshipful Grand Lodge of Ancient Free and Accepted Masons of Kansas;

Be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

MESSAGE FROM THE SENATE

Announcing passage of **SB 652, SB 655, SB 656, SB 658; Sub. SB 662; SB 673; SB 677**.

Announcing passage of **HB 2681, HB 2825**.

Announcing passage of **HB 2307**, as amended; **HB 2617**, as amended; **HB 2727**, as amended; **HB 2746**, as amended; **HB 2772**, as amended; **HB 2783**, as amended; **HB 2845**, as amended; **HB 2858**, as amended; **HB 2908**, as amended; **HB 2916**, as amended by **S. Sub. for HB 2916; HB 2923**, as amended by **S. Sub. for HB 2923**.

The Senate concurs in House amendments to **SB 522**.

The Senate concurs in House amendments to **SB 558**.

The Senate concurs in House amendments to **SB 584**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 652, SB 655, SB 656, SB 658; Sub. SB 662; SB 673; SB 677.

Speaker pro tem Dahl announced that in accordance with House Rule 2107, the Senate amendments to **HB 2783** do materially change its subject and **HB 2783** therefor is not subject to Motions to Concur and Nonconcur.

HB 2783 was thereupon introduced and read by title.

Speaker pro tem Dahl thereupon referred **HB 2783** to Committee on Insurance and Financial Institutions.

Speaker pro tem Dahl announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for Sub. HB 2559** do materially change its subject and **S. Sub. for Sub. HB 2559** therefor is not subject to Motions to Concur and Nonconcur.

H. Sub. for Sub. HB 2559 was thereupon introduced and read by title.

Speaker pro tem Dahl thereupon referred **H. Sub. for Sub. HB 2559** to Committee on Transportation.

On motion of Rep. Merrick, the House recessed until 1:15 p.m.

AFTERNOON SESSION

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

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

COMMITTEE OF THE WHOLE

On motion of Rep. Yoder, Committee of the Whole report, as follows, was adopted: Recommended that **HB 2891** be passed.

Sub. HB 2694; SB 519 be passed over and retain a place on the calendar.

Committee report to **SB 562** be adopted; also, on motion of Rep. Spalding be amended on page 1, in line 21, by striking “adult care home” and inserting “nursing facility, assisted living facility”;

On page 2, in line 32, by striking “polling places” and inserting “mobile voting sites”; in line 36, by striking “Adult care home” and inserting “Assisted living facility”;

On page 3, after line 1, by inserting the following:

“(C) “Nursing facility” shall have the meaning ascribed to it in K.S.A. 39-923, and amendments thereto.”; and **SB 562** be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 391** be adopted; and the substitute bill be passed.

Committee report to **SB 444** be adopted; also, on motion of Rep. Frownfelter be amended on page 8, after line 42, by inserting the following:

“Sec. 4. K.S.A. 2007 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) “Income” means the sum of adjusted gross income under the Kansas income tax act, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including but not limited to, all payments received under the railroad retirement act, except disability payments, payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments *and shall not include any social security payments to a claimant who prior to attaining full retirement age had been receiving disability payments under the federal social security act in an amount not to exceed the amount of such disability payments or 50% of any such social security payments, whichever is greater*, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of “loss of time” insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions. Income does not include disability payments received under the federal social security act.

(b) “Household” means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) “Household income” means all income received by all persons of a household in a calendar year while members of such household.

(d) “Homestead” means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. “Owned” includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) “Claimant” means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older or (3) a person other than a person included under (1) or (2) having one or more dependent children under 18 years of age residing at the person’s homestead during the calendar year immediately preceding the year in which a claim is filed under this act.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) “Property taxes accrued” means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant’s homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of

the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

(1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of $\frac{20}{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $\frac{20}{200}$ or less.

(i) "Rent constituting property taxes accrued" means 15% of the gross rent actually paid in cash or its equivalent in 2007 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arms length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.";

And by renumbering the remaining sections accordingly;

Also on page 8, in line 43, by striking “and” and inserting a comma; also in line 43, after “79-213” by inserting “and 79-4502”;

On page 1, in the title, in line 12, by striking “property”; also in line 12, after “to” by inserting “property tax”; in line 13, before “amend-” by inserting “homestead property tax refunds, certain social security payments;”; in line 14, by striking “and” the first time it appears and inserting a comma; also in line 14, after “79-213” by inserting “and 79-4502”;

Also, on motion of Rep. Patton to amend **SB 444**, Rep. Sawyer rose on a point of order citing House Rule 2102 which states that amendments must be drawn in an approved format. The Chair ruled the amendment out of order.

Also, on further motion of Rep. Patton to amend **SB 444**, the motion did not prevail, and the bill be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **SB 562** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 562, An act concerning elections; providing a procedure for mobile polling places in nursing homes and certain related facilities; amending K.S.A. 2007 Supp. 25-2430 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 114; Nays 0; Present but not voting: 0; Absent or not voting: 11.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Colyer, Crow, Huntington, Kuether, Lane, Masterson, Menghini, Judy Morrison, Peterson, Schwartz.

The bill passed, as amended.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Hayzlett, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2119** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Hayzlett, Peck and Long as conferees on the part of the House.

On motion of Rep. Burgess, the House nonconcurrred in Senate amendments to **HB 2307** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Burgess, Powers and Sawyer as conferees on the part of the House.

On motion of Rep. O’Neal, the House nonconcurrred in Senate amendments to **HB 2617** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. O’Neal, Kinzer and Pauls as conferees on the part of the House.

On motion of Rep. O’Neal, the House nonconcurrred in Senate amendments to **HB 2727** and asked for a conference.

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

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **HB 2746** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **HB 2772** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurred in Senate amendments to **HB 2845** and asked for a conference.

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

On motion of Rep. McLeland, the House nonconcurred in Senate amendments to **HB 2858** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. McLeland, O'Neal and Grant as conferees on the part of the House.

On motion of Rep. Faber, the House nonconcurred in Senate amendments to **HB 2908** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Faber, Knox and Svaty as conferees on the part of the House.

On motion of Rep. George, the House nonconcurred in Senate amendments to **S. Sub. for HB 2916** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. George, Tafanelli and Hawk as conferees on the part of the House.

On motion of Rep. Myers, the House nonconcurred in Senate amendments to **S. Sub. for HB 2923** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Myers, Goico and Ruff as conferees on the part of the House.

MESSAGES FROM THE GOVERNOR

HB 2001, HB 2686, HB 2695, HB 2702, HB 2735, HB 2757, HB 2781, HB 2824, HB 2847 approved on March 28, 2008.

CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Rep. Burgess as a member of the conference committee on **HB 2217** to replace Rep. Dahl.

Also, the appointment of Rep. Burgess as a member of the conference committee on **HB 2280** to replace Rep. Dahl.

REPORT ON ENGROSSED BILLS

HB 2926 reported correctly engrossed March 28, 2008.

REPORT ON ENROLLED RESOLUTIONS

HR 6015 reported correctly enrolled and properly signed on March 28, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Monday, March 31, 2008.

JANET E. JONES, *Chief Clerk.*

CHARLENE SWANSON, *Journal Clerk.*

