

Journal of the House

FIFTIETH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, March 24, 2009, 9:00 a.m.

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

The roll was called with 125 members present.

Prayer by Everett Schultz, Deacon, First Mennonite Church of Pretty Prairie, and guest of Rep. Seiwert:

Our Father,

We come before You this morning thanking You for our great nation and for this great state of Kansas. I thank you Father that this House of Representatives still open their sessions with prayer. I pray that You will direct their thoughts, and that You will rule and overrule their decisions so those decisions will fit into Your will.

Father, I pray for wisdom for the people in this room. They have a very big responsibility as their decisions affect every citizen of this state, and in some cases, our country and the world. Their decisions on taxes, cutting costs, approving new projects, and improving the economy of the state are very important as our children and grand-children will have to deal with the results of their decisions. Therefore, these people need Your wisdom and understanding to know how to address the issues that are before them. I would encourage each of the people in this room to ask You for wisdom and guidance for each decision and issue that they take up. Only as You lead them will they be in Your will.

As Abraham Lincoln once said, "But for [the Bible], we could not know right from wrong. All things desirable for man's welfare, here and hereafter, are to be found portrayed in it." ¹ For only in the Bible did President Lincoln find the answers to many of the questions that pressed upon him. Therefore, may these people also look to You, and ask You for strength and courage to face the day as Abraham Lincoln did during some of the darkest days of this country's history.

Father, I pray that You will touch the hearts of those in this room that need Your touch, and bring them into Your presence so they might know You, and the power of Your resurrection. And now, to each one in this room; "The LORD bless you, and keep you: The LORD make his face shine on you, and be gracious to you: The LORD lift up his countenance on you, and give you peace." ² In Jesus' name I pray. Amen.

The Pledge of Allegiance was led by Rep. Seiwert.

INTRODUCTION OF GUESTS

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

It is my honor to introduce the Hayden High girl's golf team. These young women placed first in the Centennial League tournament, won the Regional tournament, and were Class

4A State Champions. The team consists of Lauren Falley, Brooke LaRue, Morgan Trobough, Courtney Koehn, Janet Lierz, and Gracie Bagley.

Their coach, Denis Stanley, was unable to be here today. He was named the City Coach of the Year. The Athletic Director, Bobby Taul, is here with them today.

Lauren Falley won 1st place individual champion, Brooke LaRue was 4th and Morgan Trobough was 5th.

Please join me in congratulating these remarkable young women.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

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

Agriculture and Natural Resources: **SB 307**.

Appropriations: **HB 2395; SB 205**.

Committee of the Whole: **HR 6022**.

Economic Development and Tourism: **SB 274**.

Energy and Utilities: **SB 285, SB 299**.

Judiciary: **SB 269, SB 310**.

Local Government: **SB 75**.

Taxation: **HB 2394; HCR 5019; SB 255**.

Transportation: **SB 302**.

COMMUNICATIONS FROM STATE OFFICERS

From Tracy Taylor, KTEC President and CEO, 2008 Annual Report of Kansas Technology Enterprise Corporation (KTEC).

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE SENATE

The Senate nonconcur in House amendments to **SB 64**, requests a conference and has appointed Senators McGinn, Teichman and Francisco as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2010** and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2060** and has appointed Senators Owens, D. Schmidt and Haley 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 2096** and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2131** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2134** and has appointed Senators Umbarger, Marshall and Kultala as conferees on the part of the Senate.

Also, announcing passage of **SB 92, SB 94, SB 146, SB 201; Sub. SB 220; SB 268, SB 298, SB 316, SB 324**.

Announcing adoption of **SCR 1602, SCR 1614**.

Announcing passage of **Sub. HB 2050; HB 2201**.

Announcing passage of **Sub. HB 2008**, as amended; **HB 2172**, as amended; **HB 2214**, as amended; **HB 2219**, as amended by **S. Sub. for HB 2219; HB 2258**, as amended; **HB 2292**, as amended.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 92, SB 94, SB 146, SB 201; Sub. SB 220; SB 268, SB 298, SB 316, SB 324; SCR 1602, SCR 1614.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Merrick, **HCR 5018**, A concurrent resolution relating to the adjournment of the senate and house of representatives for periods during the 2009 regular session of the legislature, was adopted.

CONSENT CALENDAR

Objection was made to **SB 1** appearing on the Consent Calendar; the bill was placed on the calendar under the heading of General Orders.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

Speaker O'Neal announced that order of business, Final Action on Bills and Concurrent Resolutions, would be passed over until the afternoon session today.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Myers, the House concurred in Senate amendments to **HB 2171**, An act concerning the Kansas commission on veterans affairs; relating to the membership thereof; relating to the veterans claims assistance program and the veterans claims assistance advisory board; creating the Vietnam war era medallion program; amending K.S.A. 73-1208a and K.S.A. 2008 Supp. 73-1234 and 73-1235 and repealing the existing sections.

On roll call, the vote was: Yeas 125; Nays 0; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: None.

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

COMMITTEE OF THE WHOLE

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

Recommended that **HB 2283**; **SB 203**, **SB 8**, **SB 108**, **SB 120** be passed.

Committee report to **HB 2360** be adopted; and the bill be passed as amended.

On motion of Rep. Peck, **HB 2353** be amended on page 2, in line 19, after the period, by inserting "The surviving spouse of a disabled veteran who was receiving benefits pursuant to subsection (e)(3) of this section at the time of the veterans death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.";

Also, on further motion of Rep. Peck to amend **HB 2353**, the motion did not prevail, and the bill be passed as amended.

Committee report to **SB 39** be adopted; also, on motion of Rep. Neighbor to amend, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Johnson, **HB 2272** be amended on page 1, in line 24, by striking all after "vestigation"; by striking all in lines 25 through 27; in line 28, by striking all before "may";

Also, on motion to recommend **HB 2272** favorably for passage, the motion did not prevail.

Committee report to **HB 2275** be adopted; also, on motion of Rep. Kelley be amended on page 12, in line 21, by striking all after the period; by striking all in lines 22 through 25;

Also, on motion of Rep. Roth, **HB 2275** be amended on page 12, in line 7, after “program” by inserting “required under this subsection (l)”; in line 10, after the period, by inserting “Upon a second positive test for use of an illegal substance, the cash assistance recipient shall complete again an educational or treatment program for substance abuse.”; also in line 10, by striking “second” and inserting “third”;

Also, on motion of Rep. Finney, **HB 2275** be amended on page 12, in line 38, by striking all after “thereto”; in line 39, by striking all before the last comma;

Also, roll call was demanded on motion of Rep. Flaharty to refer **HB 2275** to Committee on Corrections and Juvenile Justice.

On roll call, the vote was: Yeas 46; Nays 78; Present but not voting: 0; Absent or not voting: 1.

Yeas: Ballard, Benlon, T. Brown, Burroughs, Carlin, Colloton, Craft, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Hawk, Henderson, Henry, Hill, Horst, Huntington, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Pauls, Peterson, Quigley, Rardin, Roth, Sawyer, Shultz, Svaty, Swenson, Tietze, Ward, Winn.

Nays: Aurand, Bethell, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hermanson, Hineman, C. Holmes, M. Holmes, Huebert, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Lane, Light, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O’Brien, O’Neal, Olson, Otto, Palmer, Patton, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Ruiz, Schroeder, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Spalding, Swanson, Tafanelli, Talia, Trimmer, Vickrey, Watkins, Wetta, Whitham, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Sloan.

The motion of Rep. Flaharty did not prevail; and **HB 2275** be passed as amended.

Rose and reported.

REPORTS OF STANDING COMMITTEES

Committee on **Higher Education** recommends **SB 225** be amended on page 2, in line 20, after “1,200” by inserting “accounts”;

On page 3, in line 18, after “(i)” by inserting “The treasurer shall prepare and submit to the governor and the legislature a report on the program on or before January 31 of each year. Such report shall include the number of accounts opened under the program, the amount of moneys contributed to such accounts by the participants, the amount of matching moneys transferred by the treasurer pursuant to subsection (g), the average income of the participants, an analysis of the success of the program in meeting the purpose of the program and any other information deemed appropriate by the treasurer.

(j)”; and the bill be passed as amended.

Committee on **Local Government** recommends **SB 257** be amended by substituting a new bill to be designated as “HOUSE Substitute for SENATE BILL No. 257,” as follows:

“HOUSE Substitute for SENATE BILL No. 257

By Committee on Local Government

“AN ACT concerning cities; relating to public improvements outside the city limits; relating to annexation; amending K.S.A. 12-519, 12-520b, 12-521, 12-531, 12-532 and 12-693 and K.S.A. 2008 Supp. 25-432 and repealing the existing sections.”; and the substitute bill be passed.

(**H. Sub. for SB 257** was thereupon introduced and read by title.)

MESSAGE FROM THE SENATE

Announcing adoption of **SCR 1611**.

Announcing passage of **HB 2126**, as amended by **S. Sub. for HB 2126**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title:

SCR 1611.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 64**.

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

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

AFTERNOON SESSION

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

HB 2396, An act concerning the joint committee on information technology; amending K.S.A. 46-2101 and K.S.A. 2008 Supp. 75-7211 and repealing the existing sections, by Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2369, An act making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 118; Nays 6; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Benlon, Bethell, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kerschen, Kiegerl, Kinzer, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, Neufeld, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Donohoe, King, Knox, Landwehr, O'Brien, Otto.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

HB 2373, An act making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012 and June 30, 2013, and June 30, 2014, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending Section 95 of 2008 House Substitute for Substitute for Senate Bill No. 23, K.S.A. 2008 Supp. 2-223, 12-5256, 46-137a,

55-193, 75-6702, 76-7,107, 79-2959, 79-2964, 79-2978, 79-2979, 79-3425i, 79-4801 and 82a-953a and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 70; Nays 54; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Bowers, Brookens, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Dillmore, Donohoe, Faber, Fund, George, Gordon, Grange, Hayzlett, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Kerschen, Kiegerl, King, Kinzer, Kleeb, Landwehr, Lane, Light, Mast, McLeland, Merrick, Morrison, Moxley, Myers, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Rhoades, Roth, Schroeder, Schwab, Seiwert, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Benlon, Bethell, T. Brown, Burroughs, Carlin, Crow, Davis, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, Goico, Goyle, Grant, Hawk, Henderson, Johnson, Knox, Kuether, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Menghini, Navinsky, Neighbor, Neufeld, Palmer, Pauls, Peterson, Phelps, Rardin, Ruiz, Sawyer, Schwartz, Slattery, Sloan, Svaty, Swenson, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kelley.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote "yes" on **HB 2373**. Although it is clear from some of the floor amendments that went on that many in this body haven't yet awakened to the fact that we are in a substantial budget deficit and there are not sufficient funds to pay for everything without making corresponding cuts, it is important that we adopt a FY 2010 budget today and move the process along to reach adjournment with a final budget that does balance and leaves the state with sufficient reserves. Unsustainable spending amendments aside, this budget is an important step in the process.—MICHAEL R. "MIKE" O'NEAL, PETER DE-GRAAF, JEFF WHITHAM, MARC RHOADES, STEVE HUEBERT, AARON JACK, ARLEN H. SIEGFREID, STEVEN R. BRUNK, JIM MORRISON, PEGGY MAST, S. MIKE KIEGERL, DAVID CRUM, PHIL HERMANSON, BILL WOLF, VIRGIL PECK, JR., RAY MERRICK, OWEN DONOHOE

MR. SPEAKER: I vote yes on **HB 2373** because I care about people. We should have passed more cuts but we did not. I was not just playing games but trying to do the right thing.—BILL OTTO

MR. SPEAKER: I am typically a legislator who does not support additional spending. In fact, I voted against all the additional spending amendments yesterday. I will change my vote to yes because I voted to cut our legislative pay. I am concerned that in this time of economic crisis we are asking every state agency to take cuts and we have one side of the body that wants everyone else's pay to be cut but their own. I vote yes on **HB 2373**.—ANTHONY BROWN

MR. SPEAKER: Although I do not agree with all of the cuts made by the Appropriations Committee, I vote Yes on **HB 2373** because we must move the process forward. There are cuts which are painful for all of the agencies and those they serve. Agencies that serve the most vulnerable have experienced some of the largest percentage cuts while K-12 education experiences one of the smallest percentage cuts. I believe it is much better to cut dollars early with the hope that we can add money later rather than promise dollars which we must cut when we consider the final funding bill.—DEENA HORST

MR. SPEAKER: We knew that this would be a difficult budget. We knew that there would be some very difficult choices to make. The House budget bill accepts all but two of the Governor's recommended budget adjustments. It takes advantage of all Federal Stimulus funding for Medicaid and K-12 Education. It ensures state employees who have worked tirelessly are shown a bit of gratitude through a 1% raise and longevity bonuses. It requires every agency, program and project make a sacrifice. Kansans are tightening their belts—

the state must do the same. I only hope we've done enough. I vote yes on **HB 2373**.—TOM MOXLEY

MR. SPEAKER: It is with great reluctance that I vote for **HB 2373**. I disagree with making cuts to education at this time. We can make a better, more informed decision regarding education funding when we have the April Consensus Estimate and a ruling by the Department of Education on use of stimulus funds. However, because the bill does put monies into DD and PD waivers, community corrections, health insurance for children and the machinery and equipment slider payment, I vote yes.—SHERYL SPALDING, KAY WOLF, JILL QUIGLEY, PAT COLLOTON, RON WORLEY

MR. SPEAKER: Voting for the 2010 budget was a difficult but very necessary decision. No area of the budget can be spared in these trying economic times. It is important that we, as Representatives, do our part to ease the burden on Kansas taxpayers. By cutting legislative salaries working to free up money that can be used in other areas such as the Physical and Developmentally Disabled waiting lists. While cuts to all areas are inevitable, it is crucial that we help those who are unable to help themselves. For this reason, I vote yes on **HB 2373**.—JOE SEIWERT

MR. SPEAKER: Today's 2010 budget vote included many difficult decisions. It was critical that no program carry a disproportionate burden of budget reductions, especially education (10% cut was passed . . . the lowest of any program). In addition we cut legislator pay 10%.

I felt it critical Kansas receive all education-related federal stimulus dollars and use them solely for education. With additional federal support through Title 1, Kansas schools will receive more money than last year.

The 2010 spending adjustments were targeted and we are continuing financially responsible support of education and public safety and protecting the most vulnerable of our citizens. I vote yes on **HB 2373**.—MARVIN KLEEB

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

COMMITTEE OF THE WHOLE

On motion of Rep. M. Holmes, Committee of the Whole report, as follows, was adopted: Recommended that **SB 135, SB 78, SB 61, SB 290** be passed.

HCR 5015 be adopted.

SB 119; HCR 5017; HB 2356; SB 105; HB 2253 be passed over and retain a place on the calendar.

Committee report recommending a substitute bill to **H. Sub. for SB 168** be adopted; and the substitute bill be passed.

Committee report to **HB 2328** be adopted; also, on motion of Rep. Grange be amended on page 32, in line 19, by striking "and"; in line 35, after "subsection" by inserting "; and

(eeee) all sales of tangible personal property and services purchased by or on behalf of Kansas Wildscape Foundation, Inc., which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code, for the purpose of providing management and administrative oversight and the costs of construction and placement of cabins for lodging at Kansas state parks and state lands pursuant to the cabins project for Kansas state parks and public lands";

On page 1, in the title, in line 11, after the semicolon by inserting "Kansas Wildscape Foundation, Inc.;"

Also, roll call was demanded on motion to recommend **HB 2328** favorably for passage.

On roll call, the vote was: Yeas 62; Nays 63; Present but not voting: 0; Absent or not voting: 0.

Yeas: Aurand, Bowers, A. Brown, Brunk, Burgess, Carlson, Colloton, Craft, Crum, DeGraaf, Donohoe, Fund, Furtado, George, Goico, Gordon, Grange, Hayzlett, Hermanson, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Landwehr, Maloney, Mast, McLeland, Merrick, Morrison, Myers, Neufeld, O'Brien, O'Neal, Olson, Otto, Patton, Peck, Powell, Prescott, Proehl, Rhoades, Schwab,

Schwartz, Seiwert, Shultz, Siegfried, Talia, Vickrey, Watkins, Williams, Winn, B. Wolf, K. Wolf, Yoder.

Nays: Ballard, Benlon, Bethell, Brookens, T. Brown, Burroughs, Carlin, Crow, Davis, Dillmore, Faber, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Hineman, Huntington, Johnson, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, Menghini, Moxley, Navinsky, Neighbor, Palmer, Pauls, Peterson, Phelps, Pottorff, Quigley, Rardin, Roth, Ruiz, Sawyer, Schroeder, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Ward, Wetta, Whitham, Worley.

Present but not voting: None.

Absent or not voting: None.

The motion to recommend **HB 2328** favorably for passage did not prevail.

Committee report to **HB 2383** be adopted; and the bill be passed as amended.

Committee report to **SB 158** be adopted; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 51** be adopted; also, on motion of Rep. Siegfried to amend, the motion did not prevail and the substitute bill be passed.

Committee report to **SB 253** be adopted; and the bill be passed as amended.

Committee report to **SB 66** be adopted; and the bill be passed as amended.

Committee report to **SB 41** be adopted; and the bill be passed as amended.

Committee report to **SB 30** be adopted; and the bill be passed as amended.

Committee report to **SB 87** be adopted; and the bill be passed as amended.

Committee report to **SB 45** be adopted; and the bill be passed as amended.

Committee report to **SB 44** be adopted; and the bill be passed as amended.

Committee report to **SB 60** be adopted; also, on motion of Rep. Frownfelter to amend, the motion did not prevail; and the bill be passed as amended.

Committee report to **HB 2323** be adopted; and the bill be passed as amended.

Committee report to **SB 33** be adopted; also, on motion of Rep. Shultz be amended on page 1, by striking all in lines 24 through 43;

By striking all on page 2;

On page 3, by striking all in lines 1 through 12;

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 14, by striking "certain"; by striking all in lines 15 and 16; in line 17, by striking "and"; and **SB 33** be passed as amended.

Committee report to **SB 134** be adopted; and the bill be passed as amended.

Committee report to **Sub. SB 28** be adopted; also, on motion of Rep. Pauls be amended on page 1, after line 15, by inserting the following:

"Section 1. K.S.A. 8-1568 is hereby amended to read as follows: 8-1568. (a) (1) Any driver of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, ~~or who otherwise flees or attempts to elude~~ for a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3). ~~The signal given by the police officer may be by hand, voice, emergency light or siren. The officer giving such signal shall be in uniform, prominently displaying such officer's badge of office, and the officer's vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle.~~

(2) *Any driver of a motor vehicle who willfully otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, shall be guilty as provided by subsection (c)(1), (2) or (3).*

(3) *It shall be an affirmative defense to any prosecution under paragraph (1) of this subsection that the driver's conduct in violation of such paragraph was caused by such driver's reasonable belief that the vehicle or bicycle pursuing such driver's vehicle is not a police vehicle or police bicycle.*

(b) Any driver ~~who violates the provisions of subsection (a)~~ of a motor vehicle who willfully fails or refuses to bring such driver's vehicle to a stop, or who otherwise flees or attempts to elude a pursuing police vehicle or police bicycle, when given visual or audible signal to bring the vehicle to a stop, and who: (1) Commits any of the following during a police pursuit: (A) Fails to stop for a police road block; (B) drives around tire deflating devices placed by a

police officer; (C) engages in reckless driving as defined by K.S.A. 8-1566 and amendments thereto; (D) is involved in any motor vehicle accident or intentionally causes damage to property; or (E) commits five or more moving violations; or

(2) is attempting to elude capture for the commission of any felony, shall be guilty as provided in subsection (c)(4).

(c) (1) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a first conviction, ~~shall be guilty of is~~ a class B nonperson misdemeanor.

(2) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a second conviction of such subsection, ~~shall be guilty of is~~ a class A nonperson misdemeanor.

(3) ~~Every person convicted of violating~~ *Violation of* subsection (a), upon a third or subsequent conviction of such subsection, shall be guilty of is a severity level 9, person felony.

(4) ~~Every person convicted of violating~~ *Violation of* subsection (b) shall be guilty of is a severity level 9, person felony.

(d) *The signal given by the police officer may be by hand, voice, emergency light or siren:*

(1) *If the officer giving such signal is within or upon an official police vehicle or police bicycle at the time the signal is given, the vehicle or bicycle shall be appropriately marked showing it to be an official police vehicle or police bicycle; or*

(2) *if the officer giving such signal is not utilizing an official police vehicle or police bicycle at the time the signal is given, the officer shall be in uniform, prominently displaying such officer's badge of office at the time the signal is given.*

~~(d)~~ (e) For the purpose of this section:

(1) "Conviction" means a final conviction without regard whether sentence was suspended or probation granted after such conviction. Forfeiture of bail, bond or collateral deposited to secure a defendant's appearance in court, which forfeiture has not been vacated, shall be equivalent to a conviction.

(2) "Appropriately marked" *official police vehicle or police bicycle shall include, but not be limited to, any police vehicle or bicycle equipped with functional emergency lights or siren or both and which the emergency lights or siren or both have been activated for the purpose of signaling a driver to stop a motor vehicle.*

~~(e)~~ (f) The division of vehicles of the department of revenue shall promote public awareness of the provisions of this section when persons apply for or renew such person's driver's license.

Sec. 2. K.S.A. 21-3419 is hereby amended to read as follows: 21-3419. (a) A criminal threat is any threat to:

(1) Commit violence communicated with intent to terrorize another, or to cause the evacuation, *lock down or disruption in regular, ongoing activities* of any building, place of assembly or facility of transportation, or in reckless disregard of the risk of causing such terror or evacuation, *lock down or disruption in regular, ongoing activities*;

(2) adulterate or contaminate any food, raw agricultural commodity, beverage, drug, animal feed, plant or public water supply; or

(3) expose any animal in this state to any contagious or infectious disease.

(b) A criminal threat is a severity level 9, person felony.

(c) As used in this section, "threat" includes any statement that one has committed any action described by subsection (a)(1) or (2).

Sec. 3. K.S.A. 2008 Supp. 21-3419a is hereby amended to read as follows: 21-3419a. (a) Aggravated criminal threat is the commission of one or more crimes of criminal threat, as defined in K.S.A. 21-3419 and amendments thereto, when a public, commercial or industrial building, place of assembly or facility of transportation is evacuated *locked down or disrupted as to regular, ongoing activities* as a result of the threat or threats.

(b) Aggravated criminal threat is a severity level 5, person felony.";

On page 8, after line 21, by inserting the following:

"Sec. 5. K.S.A. 2008 Supp. 21-4714 is hereby amended to read as follows: 21-4714. (a) The court shall order the preparation of the presentence investigation report by the court services officer as soon as possible after conviction of the defendant.

(b) Each presentence report prepared for an offender to be sentenced for one or more felonies committed on or after July 1, 1993, shall be limited to the following information:

(1) A summary of the factual circumstances of the crime or crimes of conviction.

(2) If the defendant desires to do so, a summary of the defendant's version of the crime.

(3) When there is an identifiable victim, a victim report. The person preparing the victim report shall submit the report to the victim and request that the information be returned to be submitted as a part of the presentence investigation. To the extent possible, the report shall include a complete listing of restitution for damages suffered by the victim.

(4) An appropriate classification of each crime of conviction on the crime severity scale.

(5) A listing of prior adult convictions or juvenile adjudications for felony or misdemeanor crimes or violations of county resolutions or city ordinances comparable to any misdemeanor defined by state law. Such listing shall include an assessment of the appropriate classification of the criminal history on the criminal history scale and the source of information regarding each listed prior conviction and any available source of journal entries or other documents through which the listed convictions may be verified. If any such journal entries or other documents are obtained by the court services officer, they shall be attached to the presentence investigation report. Any prior criminal history worksheets of the defendant shall also be attached.

(6) A proposed grid block classification for each crime, or crimes of conviction and the presumptive sentence for each crime, or crimes of conviction.

(7) If the proposed grid block classification is a grid block which presumes imprisonment, the presumptive prison term range and the presumptive duration of postprison supervision as it relates to the crime severity scale.

(8) If the proposed grid block classification does not presume prison, the presumptive prison term range and the presumptive duration of the nonprison sanction as it relates to the crime severity scale and the court services officer's professional assessment as to recommendations for conditions to be mandated as part of the nonprison sanction.

(9) For defendants who are being sentenced for a conviction of a felony violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, and meet the requirements of K.S.A. 21-4729, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(10) For defendants who are being sentenced for a third or subsequent felony conviction of a violation of K.S.A. 65-4160 or 65-4162, and amendments thereto, the drug abuse assessment as provided in K.S.A. 21-4729, and amendments thereto.

(c) The presentence report will become part of the court record and shall be accessible to the public, except that the official version, defendant's version and the victim's statement, any psychological reports, risk and needs assessments and drug and alcohol reports and assessments shall be accessible only to the parties, the sentencing judge, the department of corrections, and if requested, the Kansas sentencing commission. If the offender is committed to the custody of the secretary of corrections, the report shall be sent to the secretary and, in accordance with K.S.A. 75-5220 and amendments thereto to the warden of the state correctional institution to which the defendant is conveyed.

(d) The criminal history worksheet will not substitute as a presentence report.

(e) The presentence report will not include optional report components, which would be subject to the discretion of the sentencing court in each district except for psychological reports and drug and alcohol reports.

(f) *Except as provided in K.S.A. 21-4715, and amendments thereto*, the court can take judicial notice in a subsequent felony proceeding of an earlier presentence report criminal history worksheet prepared for a prior sentencing of the defendant for a felony committed on or after July 1, 1993.

(g) All presentence reports in any case in which the defendant has been convicted of a felony shall be on a form approved by the Kansas sentencing commission.

Sec. 6. K.S.A. 21-4715 is hereby amended to read as follows: 21-4715. (a) The offender's criminal history shall be admitted in open court by the offender or determined by a preponderance of the evidence at the sentencing hearing by the sentencing judge.

(b) Except to the extent disputed in accordance with subsection (c), the summary of the offender's criminal history prepared for the court by the state shall satisfy the state's burden of proof regarding an offender's criminal history.

(c) Upon receipt of the criminal history worksheet prepared for the court, the offender shall immediately notify the district attorney and the court with written notice of any error

in the proposed criminal history worksheet. Such notice shall specify the exact nature of the alleged error. The state shall have the burden of producing further evidence to satisfy its burden of proof regarding any disputed part, or parts, of the criminal history and the sentencing judge shall allow the state reasonable time to produce such evidence to establish the disputed portion of the criminal history by a preponderance of the evidence. *If the offender later challenges such offender's criminal history, which has been previously established, the burden of proof shall shift to the offender to prove such offender's criminal history by a preponderance of the evidence.*”;

And by renumbering the sections accordingly;

Also on page 8, in line 22, by striking “21-4603d is” and inserting “8-1568, 21-3419, 21-4603d and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714 are”;

In the title, in line 11, after “to” by inserting “fleeing or eluding a police officer; criminal threat; aggravated criminal threat;”; in line 12, after the semicolon by inserting “presentence investigation report; criminal history;”; also in line 12, by striking “21-4603d” and inserting “8-1568, 21-3419, 21-4603d and 21-4715 and K.S.A. 2008 Supp. 21-3419a and 21-4714”; in line 13, by striking “section” and inserting “sections”;

Also, on motion of Rep. Roth to amend **Sub. SB 28**, Rep. Siegfried requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the substitute bill be passed as amended.

Committee report to **SB 237** be adopted; and the bill be passed as amended.

Committee report to **SB 154** be adopted; also, on motion of Rep. Swenson to amend, Rep. Kinzer requested a ruling on the amendment being germane to the bill. The Rules Chair ruled the amendment not germane; and the bill be passed as amended.

Committee report recommending a substitute bill to **H. Sub. for SB 98** be adopted; and the substitute bill be passed.

Committee report to **SB 35** be adopted; and the bill be passed as amended.

On motion of Rep. Hayzlett, **SB 275** be amended on page 4, following line 18, by inserting the following:

“Sec. 4. K.S.A. 2008 Supp. 8-126 is hereby amended to read as follows: 8-126. The following words and phrases when used in this act shall have the meanings respectively ascribed to them herein:

(a) “Vehicle” means every device in, upon or by which any person or property is or may be transported or drawn upon a public highway, excepting electric personal assistive mobility devices or devices moved by human power or used exclusively upon stationary rails or tracks.

(b) “Motor vehicle” means every vehicle, other than a motorized bicycle or a motorized wheelchair, which is self-propelled.

(c) “Truck” means a motor vehicle which is used for the transportation or delivery of freight and merchandise or more than 10 passengers.

(d) “Motorcycle” means every motor vehicle designed to travel on not more than three wheels in contact with the ground, except any such vehicle as may be included within the term “tractor” as herein defined.

(e) “Truck tractor” means every motor vehicle designed and used primarily for drawing other vehicles, and not so constructed as to carry a load other than a part of the weight of the vehicle or load so drawn.

(f) “Farm tractor” means every motor vehicle designed and used as a farm implement power unit operated with or without other attached farm implements in any manner consistent with the structural design of such power unit.

(g) “Road tractor” means every motor vehicle designed and used for drawing other vehicles, and not so constructed as to carry any load thereon independently, or any part of the weight of a vehicle or load so drawn.

(h) “Trailer” means every vehicle without motive power designed to carry property or passengers wholly on its own structure and to be drawn by a motor vehicle.

(i) “Semitrailer” means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests upon or is carried by another vehicle.

(j) “Pole trailer” means any two-wheel vehicle used as a trailer with bolsters that support the load, and do not have a rack or body extending to the tractor drawing the load.

(k) "Specially constructed vehicle" means any vehicle which shall not have been originally constructed under a distinctive name, make, model or type, or which, if originally otherwise constructed shall have been materially altered by the removal of essential parts, or by the addition or substitution of essential parts, new or used, derived from other vehicles or makes of vehicles.

(l) "Foreign vehicle" means every motor vehicle, trailer or semitrailer which shall be brought into this state otherwise than in ordinary course of business by or through a manufacturer or dealer and which has not been registered in this state.

(m) "Person" means every natural person, firm, partnership, association or corporation.

(n) "Owner" means a person who holds the legal title of a vehicle, or in the event a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or in the event a vehicle is subject to a lease of 30 days or more with an immediate right of possession vested in the lessee; or in the event a party having a security interest in a vehicle is entitled to possession, then such conditional vendee or lessee or secured party shall be deemed the owner for the purpose of this act.

(o) "Nonresident" means every person who is not a resident of this state.

(p) "Manufacturer" means every person engaged in the business of manufacturing motor vehicles, trailers or semitrailers.

(q) "New vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging new motor vehicles, travel trailers, trailers or vehicles and who holds a dealer's contract therefor from a manufacturer or distributor and who has an established place of business in this state.

(r) "Used vehicle dealer" means every person actively engaged in the business of buying, selling or exchanging used vehicles, and having an established place of business in this state and who does not hold a dealer's contract for the sale of new motor vehicles, travel trailers, trailers or vehicles.

(s) "Highway" means every way or place of whatever nature open to the use of the public as a matter of right for the purpose of vehicular travel. The term "highway" shall not be deemed to include a roadway or driveway upon grounds owned by private owners, colleges, universities or other institutions.

(t) "Department" or "motor vehicle department" or "vehicle department" means the division of vehicles of the department of revenue, acting directly or through its duly authorized officers and agents. When acting on behalf of the department of revenue pursuant to this act, a county treasurer shall be deemed to be an agent of the state of Kansas.

(u) "Commission" or "state highway commission" means the director of vehicles of the department of revenue.

(v) "Division" means the division of vehicles of the department of revenue.

(w) "Travel trailer" means every vehicle without motive power designed to be towed by a motor vehicle constructed primarily for recreational purposes.

(x) "Passenger vehicle" means every motor vehicle, as herein defined, which is designed primarily to carry 10 or fewer passengers, and which is not used as a truck.

(y) "Self-propelled farm implement" means every farm implement designed for specific use applications with its motive power unit permanently incorporated in its structural design.

(z) "Farm trailer" means every trailer as defined in subsection (h) of this section and every semitrailer as defined in subsection (i) of this section, designed and used primarily as a farm vehicle.

(aa) "Motorized bicycle" means every device having two tandem wheels or three wheels, which may be propelled by either human power or helper motor, or by both, and which has:

- (1) A motor which produces not more than 3.5 brake horsepower;
- (2) a cylinder capacity of not more than 130 cubic centimeters;
- (3) an automatic transmission; and
- (4) the capability of a maximum design speed of no more than 30 miles per hour.

(bb) "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~two~~

~~pressure nonhighway~~ tires, having a seat designed to be straddled by the operator. As used in this subsection, ~~low-pressure nonhighway~~ tire means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of ~~12~~ 14 inches or less, ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~

(cc) "Implement of husbandry" means every vehicle designed or adapted and used exclusively for agricultural operations, including feedlots, and only incidentally moved or operated upon the highways. Such term shall include, but not be limited to:

- (1) A farm tractor;
- (2) a self-propelled farm implement;
- (3) a fertilizer spreader, nurse tank or truck permanently mounted with a spreader used exclusively for dispensing or spreading water, dust or liquid fertilizers or agricultural chemicals, as defined in K.S.A. 2-2202, and amendments thereto, regardless of ownership;
- (4) a truck mounted with a fertilizer spreader used or manufactured principally to spread animal dung;
- (5) a mixer-feed truck owned and used by a feedlot, as defined in K.S.A. 47-1501, and amendments thereto, and specially designed and used exclusively for dispensing food to livestock in such feedlot.

(dd) "Motorized wheelchair" means any self-propelled vehicle designed specifically for use by a physically disabled person that is incapable of a speed in excess of 15 miles per hour.

(ee) "Oil well servicing, oil well clean-out or oil well drilling machinery or equipment" means a vehicle constructed as a machine used exclusively for servicing, cleaning-out or drilling an oil well and consisting in general of a mast, an engine for power, a draw works and a chassis permanently constructed or assembled for one or more of those purposes. The passenger capacity of the cab of a vehicle shall not be considered in determining whether such vehicle is an oil well servicing, oil well clean-out or oil well drilling machinery or equipment.

(ff) "Electric personal assistive mobility device" means a self-balancing two nontandem wheeled device, designed to transport only one person, with an electric propulsion system that limits the maximum speed of the device to 15 miles per hour or less.

(gg) "Electronic certificate of title" means any electronic record of ownership, including any lien or liens that may be recorded, retained by the division in accordance with K.S.A. 2008 Supp. 8-135d, and amendments thereto.

(hh) "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials. "Work-site utility vehicle" does not include a micro utility truck.

(ii) "Micro utility truck" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 144 inches, has an unladen weight, including fuel and fluids, of more than 1,500 pounds, can exceed 40 miles per hour as originally manufactured and is manufactured with a metal cab. "Micro utility truck" does not include a work-site utility vehicle.

Sec. 5. K.S.A. 2008 Supp. 8-1402a is hereby amended to read as follows: 8-1402a. "All-terrain vehicle" means any motorized nonhighway vehicle ~~48~~ 50 inches or less in width, having a dry weight of ~~1,000~~ 1,500 pounds or less, traveling on three or more ~~low-pressure nonhighway~~ tires; *and* having a seat designed to be straddled by the operator. As used in this section, "~~low-pressure nonhighway~~ tire" means any pneumatic tire six inches or more in width, designed for use on wheels with a rim diameter of ~~12~~ 14 inches or less ~~and utilizing an operating pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.~~";

And by renumbering sections accordingly;

Also on page 4, in line 19, by striking "8-197" and inserting "8-126, 8-197, 8-1402a";

In the title, in line 9, following "ACT" by inserting "concerning vehicles;"; also in line 9, preceding "amending" by inserting "concerning all-terrain vehicles;"; in line 10, by striking "8-197" and inserting "8-126, 8-197, 8-1402a"; and **SB 275** be passed as amended.

Committee report to **SB 9** be adopted; and the bill be passed as amended.

REPORTS OF STANDING COMMITTEES

Committee on **Taxation** recommends **HB 2388** be amended on page 2, in line 25, by striking "2008" and inserting "2010"; and the bill be passed as amended.

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

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were thereupon introduced and read by title:

HB 2397, An act concerning crimes and punishment; creating certain crimes against mass transit system employees, by Committee on Appropriations.

HB 2398, An act concerning income taxation; relating to deductions; certain life insurance policy premiums; amending K.S.A. 2008 Supp. 79-32,117 and repealing the existing section; also repealing K.S.A. 2008 Supp. 79-32,117m, by Committee on Taxation.

HB 2399, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; making and concerning appropriations for the fiscal year ending June 30, 2009; authorizing certain transfers, imposing certain restrictions and limitations and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing, by Committee on Appropriations

HB 2400, An act concerning retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; employer contributions; making and concerning appropriations for the fiscal year ending June 30, 2010; amending K.S.A. 2008 Supp. 74-4920 and repealing the existing section, by Committee on Appropriations.

MESSAGE FROM THE SENATE

Announcing passage of **SB 312**.

Announcing passage of **HB 2354**, as amended by **S. Sub. for HB 2354**.

Also, the Senate adopts the conference committee report to agree to disagree on **S. Sub. for Sub. HB 2014** and has appointed Senators Apple, Peterson and Lee as second conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bill was thereupon introduced and read by title:

SB 312.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurrent in Senate amendments to **Sub. HB 2008** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Horst, Hill and Trimmer as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **S. Sub. for HB 2126** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. C. Holmes, Knox and Kuether as conferees on the part of the House.

On motion of Rep. Carlson, the House nonconcurrent in Senate amendments to **HB 2172** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Carlson, King and Menghini as conferees on the part of the House.

On motion of Rep. Shultz, the House nonconcurrent in Senate amendments to **HB 2214** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Dillmore as conferees on the part of the House.

On motion of Rep. Morrison, the House nonconcurred in Senate amendments to **S. Sub. for HB 2219** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Morrison, Burgess and Trimmer as conferees on the part of the House.

On motion of Rep. A. Brown, the House nonconcurred in Senate amendments to **HB 2292** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. A. Brown, Proehl and Grant as conferees on the part of the House.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Wednesday, March 25, 2009.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

