

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 30, 2009, 10:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 123 members present.
Reps. Bethell and Neufeld were excused on legislative business.

Prayer by Chaplain Brubaker:

Dear Lord,
When we look at the
great scheme of things,
we recognize that You, God,
can make all the difference.
We come daily to set a
course for this state.
Each day we make
judgments and decisions
that we trust lead us in the right direction.
We need your wisdom to
guide us every step of the way.
We invite You to make the difference
in our work and efforts.
In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Lukert.

INTRODUCTION OF GUESTS

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

Today I have the honor of presenting the Highland Park High School Scots basketball team. The Highland Park High School boys basketball team won the 2009 Kansas High School Activities Association Class 5A State Basketball Championship with a thrilling 54-52 victory of Bishop Miege High School with a lay up by Michael Copeland at the buzzer.

For the 2008-2009 season the team accomplished the following goals: The Oklahoma City Chesapeake Challenge High School Tournament Champions, The Topeka Invitational Tournament Champions, Centennial League Champions, 5A Sub State Tournament Champions, and the 5A State Champions.

This is the third year in a row the Scots have been the 5A State Champions!

It is my pleasure to introduce the team: A.J. Downing, Shaka Thomas, Spencer Moore, Canon Fields, Joseph Wakefield, Demarco Ewing, V.R. Barber, Jeramiah Brook, Elizabeth Tyree, DaVonte Grant, Rico Richardson, Desmond Ogles, and Michael Copeland. Also, Head Coach Ken Darting; Assistant Coaches Jim Bauersfeld, Mike Calhoun, Michael Jackson, and Reid Hein; Student Coaches, Isiah Smith and Chris Cushinberry; and Managers, Chanaya Kershner, LeOra Birch and Trense Wheeler.

Also accompanying the team are the Scots Principal, Dale Cushinberry; Associate Principal, Jaimie Cueves; and Athletic Director, Toby Melster.

Please join me in congratulating the Highland Park Scots, the 2009 5A State Champions!

CHANGE OF REFERENCE

Speaker O'Neal announced the following bills appearing on the calendar under the heading, General Orders, are rereferred to the following committee:

Elections: **H. Sub. for SB 3; SB 55, SB 56.**

MESSAGES FROM THE GOVERNOR

HB 2004, HB 2091, HB 2092, HB 2142 approved on March 26, 2009.

Also, **HB 2003, HB 2007, HB 2054, HB 2143, HB 2157, HB 2188, HB 2197, HB 2207, HB 2232, HB 2236, HB 2270, HB 2297, HB 2311, HB 2321, HB 2339** approved on March 27, 2009.

MESSAGE FROM THE SENATE

Announcing passage of **Sub. SB 184; SB 326.**

Announcing passage of **HB 2001, HB 2059, HB 2111, HB 2165, HB 2343, HB 2359.**

Announcing passage of **HB 2072**, as amended by **S. Sub. for HB 2072; HB 2097**, as amended by **S. Sub. for HB 2097. HB 2115**, as amended by **S. Sub. for HB 2115; HB 2152**, as amended; **HB 2155**, as amended; **HB 2162**, as amended; **HB 2250**, as amended; **HB 2260**, as amended by **S. Sub. for HB 2260; HB 2308**, as amended; **HB 2324**, as amended.

The Senate nonconcur in House amendments to **SB 158**, requests a conference and has appointed Senators Owens, Schodorf and Haley as conferees on the part of the Senate.

Announcing adoption of **HCR 5018.**

Announcing rejection of **HB 2164.**

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

Sub. SB 184; SB 326.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 158.**

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

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2180, An act concerning alcoholic beverages; amending K.S.A. 41-2637, 41-2641 and 41-2642 and K.S.A. 2008 Supp. 41-719 and 41-2645 and repealing the existing sections, 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: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, 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, Huntington, Jack, Kerschen, King, Kinzer, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, 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: Crum, DeGraaf, Huebert, Johnson, Kelley, Kiegerl, Knox, Mast, Myers, Otto, Pauls, Peck, Schroeder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

HB 2331, An act concerning investment of state moneys; relating to the state treasurer; amending K.S.A. 2-3705 and K.S.A. 2008 Supp. 75-4272 and 75-4280 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, Benlon, 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, 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: Bethell, Neufeld.

The bill passed, as amended.

Sub. HB 2340, An act concerning the parole board; relating to factors and rationale used to determine parole; amending K.S.A. 2008 Supp. 22-3717 and 75-4319 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: Aurand, Ballard, Benlon, 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, O'Brien, O'Neal, Olson, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, 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: Otto, Schroeder, Schwartz.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The substitute bill passed, as amended.

HB 2356, An act concerning child care facilities; amending K.S.A. 65-504 and 65-512 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, Benlon, 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, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Pres-

cott, 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: Bethell, Neufeld.

The bill passed, as amended.

HCR 5012, A Concurrent Resolution memorializing the State of Kansas' desire for the United States Army Corps of Engineers to undertake a study of the Missouri River Basin under the auspices of the Flood Control Act of 1944, 33 C.F.R. 701 et seq., commonly known as the Pick Sloan Act, in order to provide the best information and service to all states in the Missouri River Basin, which includes major Missouri River tributaries in the State of Kansas, 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, Benlon, 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, 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: Bethell, Neufeld.

The resolution was adopted.

HCR 5013, A Concurrent Resolution memorializing that the appointed United States Assistant Secretary of the Army for Civil Works should form a relationship with and continue to partner with the State of Kansas in order to protect, preserve and extend the productive lives of reservoirs in Kansas, 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, Benlon, 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, 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: Bethell, Neufeld.

The resolution was adopted.

HR 6011, A resolution requesting the State Corporation Commission to convene a group of stakeholders to study certain aspects of energy storage and to address cost recovery for and earnings on certain investments relating to energy storage, 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, Benlon, 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, 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: Bethell, Neufeld.

The resolution was adopted, as amended.

HR 6018, A resolution encouraging the Kansas Electric Transmission Authority to continue to participate in dockets of the State Corporation Commission concerning the transmission of electricity in Kansas, 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, Benlon, 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, 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: Bethell, Neufeld.

The resolution was adopted.

HR 6022, A resolution supporting the Airborne Laser Program and urging the United States Congress to provide the necessary funding for the on-going development and operation of the program, 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, Benlon, 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, 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: Bethell, Neufeld.

The resolution was adopted.

SB 29, An act concerning the state board of technical professions; relating to licensure; amending K.S.A. 74-7003, 74-7009, 74-7013, 74-7018, 74-7021, 74-7022, 74-7023, 74-7025, 74-7026, 74-7029, 74-7031, 74-7034, 74-7036 and 74-7041 and repealing the existing sections; also repealing K.S.A. 74-7043, 74-7044 and 74-7045, was considered on final action.

On roll call, the vote was: Yeas 112; Nays 11; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huntington, Jack, Johnson, Kerschen, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, 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, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: A. Brown, Donohoe, Faber, Gordon, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, Watkins.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 53, An act concerning cereal malt beverages; relating to discretion by cities in granting and suspending or revoking a retailer's license; amending K.S.A. 2008 Supp. 41-2703 and 41-2708 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 113; Nays 10; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, 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, Kleeb, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schwab, Schwartz, Seiwert, Siegfried, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brunk, Faber, Feuerborn, Kinzer, Knox, Pauls, Schroeder, Shultz, Vickrey, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 204. An act concerning cities; relating to annexation, was considered on final action.

On roll call, the vote was: Yeas 77; Nays 46; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bowers, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, DeGraaf, Donohoe, Faber, Feuerborn, Finney, Frownfelter, Fund, S. Gatewood, Goico, Gordon, Goyle, Hayzlett, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kinzer, Knox, Landwehr, Lane, Light, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Navinsky, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Quigley, Roth, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Svaty, Talia, Watkins, Wetta, Williams, B. Wolf, K. Wolf, Worley.

Nays: Benlon, Brookens, Burroughs, Carlin, Colloton, Crow, Crum, Davis, Dillmore, Flaharty, Furtado, Garcia, D. Gatewood, George, Grange, Grant, Hawk, Henderson, Henry, Kleeb, Kuether, Loganbill, Long, Lukert, Menghini, Myers, Neighbor, Peterson, Phelps, Rardin, Rhoades, Ruiz, Sawyer, Schroeder, Slattery, Spalding, Swanson, Swenson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Whitham, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 212. An act concerning alcoholic beverages; concerning shipment of wines; amending K.S.A. 41-305 and K.S.A. 2008 supp. 41-308a and 41-317 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 41-348 and 41-349, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 12; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, 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, Huntington, Jack, Johnson, Kelley, Kerschen, King, Kleeb, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, McLeland, Menghini, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, O'Brien, O'Neal, Olson, Palmer, Patton, Peterson, Phelps, Pottorff, Powell, Prescott, Quigley, Rardin, Rhoades, Roth, Ruiz, Sawyer, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Slattery, Sloan, Spalding, Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crum, Huebert, Kiegerl, Kinzer, Knox, Landwehr, Mast, Otto, Pauls, Peck, Proehl, Siegfried.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

SB 225. An act concerning the low-income family postsecondary savings accounts incentive program; amending K.S.A. 2008 Supp. 75-650 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 106; Nays 17; Present but not voting: 0; Absent or not voting: 2.

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

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The bill passed, as amended.

H. Sub. for SB 254. An act relating to annexation; amending K.S.A. 2008 Supp. 12-520 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 108; Nays 15; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Benlon, Bowers, Brookens, A. Brown, T. Brown, Brunk, Burgess, Carlson, Craft, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Faber, Feuerborn, Finney, Flaherty, Frownfelter, Fund, Furtado, Garcia, D. Gatewood, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Jack, Johnson, Kelley, Kerschen, Kiegerl, King, Kleeb, Knox, Landwehr, Lane, Light, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Merrick, Morrison, Moxley, Myers, Navinsky, Neighbor, 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, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Aurand, Burroughs, Carlin, Colloton, S. Gatewood, George, Hawk, Kinzer, Kuether, Loganbill, Menghini, Swanson, Ward, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld.

The substitute bill passed.

On motion of Rep. Merrick, the House recessed until 2:30 p.m.

AFTERNOON SESSION

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

MESSAGE FROM THE SENATE

The Senate nonconcur in House amendments to **SB 35**, requests a conference and has appointed Senators Wysong, Lynn and Holland as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 68**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 160**, requests a conference and has appointed Senators Wysong, Lynn and Holland 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 35**.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 68**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 160**.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

CHANGE OF CONFEREES

Speaker O'Neal announced the appointment of Rep. Swenson as a member of the conference committees on **HB 2052**, **HB 2214** to replace Rep. Dillmore.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Schwartz, the House nonconcurred in Senate amendments to **S. Sub. for HB 2072** and asked for a conference.

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

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for HB 2115** 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. Hayzlett, the House nonconcurred in Senate amendments to **HB 2152** and asked for a conference.

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

On motion of Rep. Schwartz, the House nonconcurred in Senate amendments to **HB 2155** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Schwartz, M. Holmes and Garcia as conferees on the part of the House.

On motion of Rep. Kinzer, the House nonconcurred in Senate amendments to **HB 2250** and asked for a conference.

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

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2260** and asked for a conference.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz as conferees on the part of the House.

In accordance with House Rule 1507, the following bills were stricken from the March 30, 2009 House Calendar:

SB 31, SB 37, SB 89, SB 105, SB 119, SB 139, SB 159, SB 162, SB 183.

REPORT ON ENGROSSED BILLS

HB 2180, HB 2331, HB 2356 reported correctly engrossed March 26, 2009.

REPORT ON ENGROSSED RESOLUTIONS

HR 6011 reported correctly engrossed March 26, 2009.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Tuesday, March 31, 2009.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

