

Journal of the House

FIFTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Monday, March 29, 2010, 11:00 a.m.

The House met pursuant to recess with Speaker O'Neal in the chair.
The roll was called with 119 members present.
Reps. Fund and Johnson excused on verified illness.
Reps. Bollier, Hawk, Rhoades and Seiwert were excused on excused absence by the Speaker.

Present later: Reps. Bollier and Rhoades.

Prayer by Chaplain Brubaker:

On this Monday of Holy Week,
we are reminded that on this day
You cursed the fig tree.
The lesson you taught behind this action was
to have faith in God.
You taught us that,
"whatever *we* ask for in prayer,
believe that *we* have received,
and it will be *ours*."
(*Mark 11:24*)
You continue that thought with,
". . . when *we* stand praying,
if *we* hold anything against anyone,
forgive him, so that *our* Father in heaven
may forgive *us our* sins."
(*Mark 11:25*)
Today, Lord, we have much to pray for
to seek Your assistance.
But first, help us to put aside all of our differences,
and determine to work together in unity.
In Your Son's Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Jack.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Appropriations: **SB 580**.

Taxation: **HB 2746**.

Transportation: **SB 575, SB 579**.

MESSAGE FROM THE GOVERNOR

March 17, 2010

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-406 for your information.

EXECUTIVE DIRECTIVE No. 10-406
 Authorizing Expenditure of Federal Funds

MARK PARKINSON
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

MESSAGE FROM THE GOVERNOR

March 19, 2010

Message to the House of Representatives of the State of Kansas:

Enclosed herewith is Executive Directive No. 10-407 for your information.

EXECUTIVE DIRECTIVE No. 10-407
 Authorizing Personnel Transactions

MARK PARKINSON
Governor

The above Executive Directive is on file and open for inspection in the office of the Chief Clerk.

MESSAGES FROM THE GOVERNOR

HB 2415, HB 2448, HB 2455, HB 2469, HB 2485, HB 2503, HB 2557, HB 2577, HB 2588, HB 2589, HB 2604, HB 2638 approved on March 26, 2010.

MESSAGE FROM THE SENATE

The Senate nonconcurrs in House amendments to **H. Sub. for SB 25**, requests a conference and has appointed Senators Barnett, V. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 269**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 359**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 362**, requests a conference and has appointed Senators Schodorf, Vratil and Hensley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 377**, requests a conference and has appointed Senators Brownlee, Vratil and Holland as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for SB 381**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 382**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 388**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 452**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **H. Sub. for Sub. SB 514**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrs in House amendments to **SB 537**, requests a conference 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 2540** and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

Also, announcing passage of **SB 488, SB 572**.

Announcing passage of **Sub. HB 2345**, as amended; **HB 2508**, as amended by **S. Sub. for HB 2508; HB 2560**, as amended; **HB 2561**, as amended; **HB 2582**, as amended by **S. Sub. for HB 2582; HB 2660**, as amended; **HB 2704**, as amended.

Announcing adoption of **HCR 5037**.

The Senate concurs in House amendments to **H. Sub. for SB 316**, and requests return of the bill.

The Senate nonconcurs in House amendments to **SB 389**, requests a conference and has appointed Senators Teichman, Brownlee and Steineger as conferees on the part of the Senate.

The Senate nonconcurs in House amendments to **SB 434**, requests a conference 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 2039** 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 2434** 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 **S. Sub. for Sub. HB 2509** 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 **Sub. HB 2517** 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 2551** and has appointed Senators Brownlee, Lynn and Holland 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 2585** 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 2691** and has appointed Senators Vratil, McGinn and Kelly as conferees on the part of the Senate.

Also, the President announced the appointment of Senator Kelly as a member of the conference committee on **H. Sub. for SB 25** to replace Rep. Haley.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

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

SB 488, SB 572.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 25**.

Speaker Merrick thereupon appointed Reps. Landwehr, Crum and Flaharty 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 **H. Sub. for SB 269**.

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 359**.

Speaker O'Neal thereupon appointed Reps. Aurand, Horst and Winn 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 362**.

Speaker O'Neal thereupon appointed Reps. McLeland, Aurand and Lane 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 **H. Sub. for SB 377**.

Speaker O'Neal thereupon appointed Reps. Brunk, Grange and Ruiz 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 **H. Sub. for SB 381**.

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 382**.

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 acceded to the request of the Senate for a conference on **SB 388**.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson 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 389**.

Speaker O'Neal thereupon appointed Reps. Shultz, Peck and Swenson 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 434**.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller 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 452**.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill 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 **H. Sub. for Sub. SB 514**.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill 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 537**.

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

Speaker O'Neal announced that in accordance with House Rule 2107, the Senate amendments to **S. Sub. for HB 2508** do materially change its subject and **S. Sub. for HB 2508** therefor is not subject to Motions to Concur and Nonconcur.

S. Sub. for HB 2508 was thereupon introduced and read by title.

Speaker O'Neal thereupon referred **S. Sub. for HB 2508** to Committee on Energy and Utilities.

INTRODUCTION OF ORIGINAL MOTIONS

In accordance with House Rule 1503(b), Rep. Winn moved that **SB 54** be the first measure to be considered on General Orders on March 30, 2010.

The Chief Clerk is requested to read this motion and cause it to be printed in the Calendar of March 30, 2010, under the order of business "Motions and Resolutions Offered on a Previous Day"

INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6036—

By Representatives Jack, Landwehr, Siegfried, Kelley, Mast, Hermanson, A. Brown, Brunk, Carlson, DeGraaf, Gordon, Horst, Kerschen, Kinzer, Kleebl, Merrick, O'Brien, O'Neal, Prescott, Rhoades, Seiwert and Suellentrop

A RESOLUTION requiring the Attorney General of the State of Kansas to bring an action challenging the constitutionality of the Federal health care reform package.

WHEREAS, The United States Constitution establishes a limited federal government, as expressed in the Bill of Rights, that protects the freedom of individuals and the rights of states; and

WHEREAS, The United States Congress is urged to enact legislation that respects and recognizes the rights of individuals, families, groups and communities to make decisions about their health care insurance and treatment options; and

WHEREAS, The "individual mandate" provision included in the health care reform package requires all individuals to purchase health insurance products and services; and

WHEREAS, Such individual mandates are contrary to the rights of a free and prosperous people and deny individuals the right to make one of the most basic health care decisions for themselves and their loved ones; and

WHEREAS, The United States Supreme Court has recognized each individual's freedom to refuse health care treatment; and

WHEREAS, On January 19, 2010, Florida Attorney General Bill McCollum sent to Congressional leaders an analysis in which he outlined the unconstitutionality of the individual health care mandates; and

WHEREAS, According to Attorney General McCollum's analysis, the United States Congress does not possess the constitutional authority to compel individuals under threat of government fines or taxes to purchase an unwanted product or service simply as a condition of living in this country; and

WHEREAS, With the legislation now passed, Attorney General McCollum has stated that he will be compelled to file suit to challenge the constitutionality of that provision; and

WHEREAS, Currently, numerous other states including South Carolina, Nebraska, Texas, Utah, Pennsylvania, Washington, North Dakota, South Dakota, Alabama, Michigan, Virginia, Idaho and Colorado have agreed to join in the suit; and

WHEREAS, The Patient Protection and Affordable Care Act, H.R. 3590 is also before Congress; and

WHEREAS, The Senate version of H.R. 3590 provides that the federal government would bear the cost of newly eligible Nebraska medicaid enrollees, but all other states would be required to appropriate funds to pay for H.R. 3590's new medicaid mandates; and

WHEREAS, The fundamental unfairness of H.R. 3590 may give rise to claims under the due process, equal protection, privileges and immunities clauses and other provisions of the Constitution: Now, therefore,

Be it resolved by the House of Representatives of the State of Kansas: That in accordance with K.S.A. 75-702, the Attorney General of the State of Kansas is hereby required to bring an action in the United States District Court challenging the Federal health care package in order to protect the rights and freedoms that have been guaranteed Kansans under the Constitution of the United States of America.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2446. An act concerning certain postsecondary educational institutions; relating to investments and gifts; amending K.S.A. 76-308, 76-410a, 76-604 and 76-718a and repealing the existing sections; also repealing K.S.A. 76-347, 76-349, 76-360 and 76-362, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 0; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Barnes, 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, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The bill passed, as amended.

H. Sub. for SB 75, An act relating to cemetery corporations; providing for certain enforcement actions by the secretary of state; amending K.S.A. 16-326 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, 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, Furtado, Garcia, D. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: S. Gatewood.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: We vote yes on **H. Sub. for SB 75** which represents an important immediate step in enforcement of cemetery merchandise and care funds. It gives to the Secretary of State and the Attorney General's office authority to initiate actions and to propose an implement plans for corrections of deficiencies.

Although not brought to the legislature until February 25, we are pleased that the Local Government Committee was able to work this bill and that we are able to make this important step, one that will be effective on publication in the Kansas Register.—STEVE HUEBERT, SHARON SCHWARTZ, MITCH HOLMES

H. Sub. for SB 255, An act concerning sales taxation; relating to countywide retailers' sales tax; Pottawatomie and Kingman counties; amending K.S.A. 12-197 and K.S.A. 2009 Supp. 12-187, as amended by section 1 of 2010 Senate Substitute for House Bill No. 2353, 12-189, as amended by section 2 of 2010 Senate Substitute for House Bill No. 2353, and 12-192, as amended by section 3 of 2010 Senate Substitute for House Bill No. 2353 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 104; Nays 15; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Aurand, A. Brown, DeGraaf, Donohoe, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, McLeland, O'Brien, Patton, Schwab, Schwartz, Suellentrop.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

H. Sub. for SB 312, An act concerning property taxation; relating to refunds of taxes; loans to counties by pooled money investment board, terms and limitations; amending K.S.A. 2009 Supp. 75-4209 and 79-2005 and repealing the existing sections, was considered on final action.

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

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

Nays: A. Brown, Kiegerl, Kinzer, Siegfried, Whitham.

Present but not voting: None.

Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.

The substitute bill passed.

SB 435, An act repealing concerning criminal procedure; relating to search incident to arrest; amending K.S.A. 22-2501 and repealing the existing section, was considered on final action.

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

Yeas: Aurand, Ballard, Barnes, 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, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Horst, Huebert, Jack, Kelley, Kerschen, Kiegerl, King, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Meier, Menghini, Merrick, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Brien, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Peterson.

Present but not voting: None.
 Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.
 The bill passed, as amended.

SB 531. An act enacting the radon certification law; amending K.S.A. 48-1625 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 94; Nays 25; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Barnes, Benlon, Bethell, Bowers, Brookens, T. Brown, Brunk, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, Furtado, Garcia, D. Gatewood, S. Gatewood, George, Goico, Goyle, Grange, Grant, Henderson, Henry, Hill, Hineman, C. Holmes, Horst, Jack, Kerschen, Kiegerl, King, Kleeb, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Maloney, McCray-Miller, Meier, Menghini, Morrison, Myers, Neighbor, O'Neal, Olson, Otto, Palmer, Pauls, Peterson, Phelps, Pottorff, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schwab, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, D. Svaty, Swanson, Swenson, Tafanelli, Talia, Tietze, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, A. Brown, Carlson, DeGraaf, Donohoe, Faber, Gordon, Hayzlett, Hermanson, M. Holmes, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Merrick, Moxley, Neufeld, O'Brien, Patton, Peck, Powell, Schroeder, Schwartz.

Present but not voting: None.
 Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.
 The bill passed, as amended.

SCR 1623. A concurrent resolution urging the United States Congress to require the United States Environmental Protection Agency to exclude air monitoring data from use in determinations of exceedances and National Ambient Air Quality Standards violations where the emissions are from prairie burning in the tallgrass prairie in the Flint Hills, a unique ecosystem of historic significance, and to treat the data as exceptional under 40 C.F.R. Section 50.14, was considered on final action.

On roll call, the vote was: Yeas 115; Nays 4; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Dillmore, Kelley, Lane, Morrison.
 Present but not voting: None.
 Absent or not voting: Bollier, Fund, Hawk, Johnson, Rhoades, Seiwert.
 The resolution was adopted.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Carlson, the House nonconcurred in Senate amendments to **S. Sub. for Sub. HB 2538** 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. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for HB 2582** 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 nonconcurrred in Senate amendments to **HB 2561** 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. Hayzlett, the House nonconcurrred in Senate amendments to **HB 2660** 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. Aurand, the House nonconcurrred in Senate amendments to **HB 2704** and asked for a conference.

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

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SCR 1614**.

Speaker O'Neal thereupon appointed Reps. Burgess, Landwehr and D. Gatewood as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 3:45 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 2747, An act concerning taxation; relating to amnesty from assessment or payment of penalties and interest with respect to certain taxes; requirements and procedures, by Committee on Taxation.

MESSAGE FROM THE SENATE

The Senate nonconcurrred in House amendments to **H. Sub. for SB 306**, requests a conference and has appointed Senators Brungardt, Reitz and Faust-Goudeau as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **H. Sub. for SB 310**, requests a conference and has appointed Senators Owens, D. Schmidt and Kelly as conferees on the part of the Senate.

The Senate nonconcurrred in House amendments to **Sub. SB 353**, requests a conference and has appointed Senators Owens, D. Schmidt and Haley as conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **S. Sub. for HB 2115** and has appointed Senators Apple, Petersen and Francisco as second conferees on the part of the Senate.

The President announced the appointment of Senator Kelly as a member of the conference committees on **SB 368**, **SB 369** to replace Senator Haley.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 306**.

Speaker O'Neal thereupon appointed Reps. Neufeld, Kiegerl and Loganbill 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 **H. Sub. for SB 310**.

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 **Sub. SB 353**.

Speaker O'Neal thereupon appointed Reps. Colloton, Patton and McCray-Miller as conferees on the part of the House.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Gordon to concur in Senate amendments to **HB 2554**, the motion did not prevail.

Call of the House was demanded.

On roll call, the vote was: Yeas 57; Nays 63; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Benlon, Bethell, Bollier, Bowers, Brookens, Colloton, Craft, Faber, Furtado, George, Goico, Gordon, Goyle, Grange, Grant, Hayzlett, Hill, Hineman, C. Holmes, M. Holmes, Horst, Kerschen, Kleeb, Lane, Light, Meier, Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Patton, Pottorff, Powell, Prescott, Proehl, Quigley, Rardin, Roth, Ruiz, Schroeder, Schwab, Schwartz, Shultz, Slattery, Sloan, Spalding, D. Svaty, Swanson, Tafanelli, Talia, Tietze, K. Wolf, Worley, Yoder.

Nays: Ballard, Barnes, A. Brown, T. Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crow, Crum, Davis, DeGraaf, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, Garcia, D. Gatewood, S. Gatewood, Henderson, Henry, Hermanson, Huebert, Jack, Kelley, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Loganbill, Long, Lukert, Mah, Maloney, Mast, McCray-Miller, McLeland, Menghini, Merrick, O'Brien, Olson, Otto, Palmer, Pauls, Peck, Phelps, Rhoades, Stegfreid, Suellentrop, Swenson, Trimmer, Vickrey, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Fund, Hawk, Johnson, Peterson, Seiwert.

On motion of Rep. Shultz, the House nonconcluded in Senate amendments to **Sub. HB 2345** and asked for a conference.

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

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2115**, submits the following report:

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

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

PAT APPLE
MIKE PETERSEN
MARCI FRANCISCO
Conferees on part of Senate

MELVIN J. NEUFELD
ANTHONY BROWN
JUDITH LOGANBILL
Conferees on part of House

On motion of Rep. Neufeld, the conference committee report on **S. Sub. for HB 2115** was adopted.

Speaker O'Neal thereupon appointed Reps. Neufeld, A. Brown and Loganbill as second conferees on the part of the House.

REPORTS OF STANDING COMMITTEES

Transportation and Public Safety Budget Committee recommends **SCR 1625** be amended on page 1, in the title, in line 12, by striking "and fully fund"; and the concurrent resolution be adopted as amended.

Select Committee on KPERS recommends **SB 568** be passed.

BILLS STRICKEN FROM THE CALENDAR

In accordance with House Rule 1507, the following bills appearing on the calendar under the heading General Orders on March 24, are stricken from the calendar:

H. Sub. for SB 26; H. Sub. for SB 43; SB 118; H. Sub. for SB 345; SB 371, SB 380, SB 395; H. Sub. for SB 425; SB 455; Sub. SB 462; SB 471, SB 485, SB 490.

REPORT ON ENROLLED BILLS

HB 2418, HB 2440, HB 2468; S. Sub. for HB 2476; HB 2535, HB 2544, HB 2547, HB 2566, HB 2581, HB 2649, HB 2661, HB 2678, HB 2698 reported correctly enrolled, properly signed and presented to the governor on March 29, 2010.

REPORT ON ENROLLED RESOLUTIONS

HR 6026, HR 6029, HR 6031, HR 6032, HR 6034, HB 6035 reported correctly enrolled and properly signed on March 29, 2010.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Tuesday, March 30, 2010.

SUSAN W. KANNARR, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

