

Journal of the House

THIRTY-SECOND DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Friday, February 25, 2011, 9:00 a.m.

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

The roll was called with 120 members present.

Reps. Fund, Kiegerl and K. Wolf were excused on verified illness.

Rep. Peterson and Wetta were excused on excused absence by the Speaker.

Rep. Bethell was excused later in the day on excused absence by the Speaker.

Prayer by Rep. Phelps:

Almighty God, join us today as we end another week of the session and keep us mindful of those we serve. As legislators it is easy for us to think that we can control every problem that Kansans face. Sometimes it takes six inches of snow to remind us that we are not in control, and during session six inches of snow is the perfect event to slow us down and cool our spirits. Help us to remember those that don't have the benefit of a warm home when it is cold outside. In our deliberations help us to see the other side of the story. Help us to extend calming peace to each other as we leave to return to our loved ones. Lord, please be with our colleagues as they overcome the challenges of injury, health setbacks and loss of family members.

In your most holy and precious name we pray, Amen.

The Pledge of Allegiance was led by Rep. Trimmer.

Kansas Trivia Question – Julius Wayland moved to Girard in 1896, bringing his national newspaper with him. Between 1900 and 1910 the circulation reached a half-million, making Girard one of the busiest post offices in Kansas. What was the name of Wayland's paper?

Answer: Appeal to Reason

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 122, SB 186, SB 188.**

Corrections and Juvenile Justice: **SB 6, SB 63. SB 176.**

Education: **SB 33, SB 143. SB 155.**

Elections: **SB 67, SB 126, SB 129, SB 145.**

Health and Human Services: **SB 76, SB 100, SB 133, SB 139.**

Insurance: **SB 170, SB 179.**

Judiciary: **SB 9, SB 74, SB 79, SB 83, SB 93, SB 104, SB 135, SB 160.**

Local Government: **SB 119, SB 150.**

Taxation: **HB 2365; SB 59, SB 61.**

Transportation: **SB 120.**

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **HB 2319** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Davis, **HCR 5021**, A Concurrent Resolution relating to the adjournment of the senate and house of representatives for periods during the 2011 regular session of the legislature, was adopted.

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

COMMITTEE OF THE WHOLE

On motion of Rep. Kinzer, Committee of the Whole report, as follows, was adopted:
Recommended that **HB 2125** be passed.

SCR 1605 be adopted.

Sub. HB 2221 be passed over and retain a place on the calendar.

Committee report to **HB 2195** be adopted; and the bill be passed as amended.

Committee report to **HB 2240** be adopted; also, on motion of Rep. Huebert be amended on page 2, following line 33, by inserting "New Sec. 4. (a) There is hereby created the cemetery maintenance and merchandise fee fund in the state treasury. The secretary of state shall remit all moneys received from fees and charges under this section, and amendments thereto, to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the cemetery maintenance and merchandise fee fund.

(b) All expenditures from the cemetery maintenance and merchandise fee fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or by a person or persons designated by the secretary.":

On page 6, following line 11, by inserting "(i) Fees not to exceed \$30 may be charged and collected by the secretary of state on each preneed merchandise contract for preneed cemetery merchandise, preneed burial products or services sold on or after January 1, 2011. Any such fees shall be forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary. The secretary of state shall promulgate rules and regulations fixing the fees to be charged and collected. On and after the effective date of this act any such fees collected shall be deposited in the cemetery maintenance and merchandise fee fund in the state treasury.":

On page 17, following line 2, by inserting "(g) Fees not to exceed \$30 may be charged and collected by the secretary of state on each interment sold on or after

January 1, 2011. Any such fees shall be forwarded on a quarterly basis to the secretary of state, in a form and manner approved by the secretary. The secretary of state shall promulgate rules and regulations fixing the fees to be charged and collected. On and after the effective date of this act any such fees collected shall be deposited in the cemetery maintenance and merchandise fee fund in the state treasury.";

And by renumbering sections accordingly; and **HB 2240** be passed as amended.

Committee report to **HB 2194** be adopted; also, on motion of Rep. McLeland be amended on page 2, in line 28, following "agency" by inserting ", including the board of regents and any postsecondary educational institution,";

On page 10, in line 11, by striking all following "sections" and inserting "9 through 11, and";

Also, on motion of Rep. D. Gatewood to amend **HB 2194**, the motion did not prevail, and the bill be passed as amended.

Committee report to **HB 2312** be adopted; also, on motion of Rep. Brookens be amended on page 3, in line 38, by striking "corporation" and inserting "company"; in line 39, by striking "corporation" and inserting "company";;

Also, on motion of Rep. Colloton, **HB 2312** be amended on page 9, in line 21, following "minor" by inserting "unless such minor is accompanied by a parent or guardian or such minor is a licensed scrap metal dealer";

Also, on further motion of Rep. Colloton, **HB 2312** be amended on page 3, in line 5, by striking "not" and inserting "under"; by striking "or more"; and following "age" by inserting "and whose parents or legal guardians would be ineligible to receive a scrap metal license for any reason"; and the bill be passed as amended.

Committee report recommending a substitute bill to **Sub. HB 2271** be adopted; also, on motion of Rep. Brookens be amended on page 4, in line 22, by striking "shall" where it appears for the second time and inserting "may";

On page 7, in line 39, by striking "In the case of a continuing offense, each day the"; in line 40, by striking "violation continues may be deemed a separate violation."; and **Sub. HB 2271** be passed as amended.

Committee report to **HB 2139** be adopted; also, on motion of Rep. O'Neal be amended on page 1, following line 6, by inserting "New Section 1. (a) Notwithstanding the provisions of K.S.A. 44-576, and amendments thereto, the state fair board is hereby authorized to purchase workers compensation insurance. Any contract for the purchase of workers compensation insurance entered into by the state fair board shall be purchased in the manner prescribed for the purchase of supplies, materials, equipment and contractual services as provided in K.S.A. 75-3738 through 75-3744, and amendments thereto, and any such contract having a premium or rate in excess of \$500 shall be purchased on the basis of sealed bids. Such contract shall not be subject to the provisions of K.S.A. 75-4101 through 75-4114 and K.S.A. 2010 Supp. 75-4125, and amendments thereto.

(b) If the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), from and after the end of the payroll period in which such workers compensation policy takes effect, the state fair board shall not be subject to the self-insurance assessment prescribed by K.S.A. 44-576, and amendments thereto, and the director of accounts and reports shall cease to transfer any amounts for such self-assessment for the state fair board pursuant to such statute.

(c) Notwithstanding the provisions of K.S.A. 44-575, and amendments thereto, if

the state fair board enters into a contract for the purchase of workers compensation insurance as described in subsection (a), the state workers compensation self-insurance fund shall not be liable for any compensation claims under the workers compensation act relating to the state fair board and arising during the term of such contract, or for any other amounts otherwise required to be paid under the workers compensation act during the term of such contract.

(d) The state fair board shall notify the secretary of administration and the Kansas health policy authority of the effective date of any workers compensation policy acquired pursuant to this section.";

And by renumbering the remaining sections accordingly;

On page 1, in the title, in line 2 after the semicolon by inserting "authorizing the state fair board to purchase workers compensation insurance;"; and **HB 2139** be passed as amended.

CHANGE OF REFERENCE

Speaker O'Neal announced the withdrawal of **Sub. HB 2221** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

Also, the withdrawal of **HB 2234**, **HB 2248** from Committee on Appropriations and referral to Committee on Education Budget.

Also, the withdrawal of **HB 2152**, **HB 2173** from the Calendar under the heading General Orders and referral to Committee on Appropriations.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2034, AN ACT concerning traffic regulations; relating to maximum speed limits on certain separated multilane highways; violations; amending K.S.A. 2010 Supp. 8-1558, 8-1560c and 8-1560d and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 23; Present but not voting: 0; Absent or not voting: 7.

Yeas: Alford, Arpke, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Frownfelter, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Mah, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slatery, Sloan, Smith, Spalding, Suellentrop, Tietze, Trimmer, Tyson, Vickrey, Ward, Weber, Williams, B. Wolf, Worley.

Nays: Aurand, Ballard, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, D. Gatewood, S. Gatewood, Grange, Grant, Henry, M. Holmes, Loganbill, Meier, Patton, Phelps, Ruiz, Swanson, Victors, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Mast, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2067, AN ACT concerning elections; relating to voter identification; amending K.S.A. 25-2203, 25-2352, 25-2411, 25-2416, 25-2423 and 25-2431 and K.S.A. 2010 Supp. 8-1324, 25-1122, 25-1122d, 25-1123, 25-1124, 25-1128, 25-2309, 25-2320, 25-2908, 25-3002 and 65-2418 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 83; Nays 36; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Aurand, Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grant, Henderson, Henry, Hill, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Pauls, Phelps, Roth, Ruiz, Shultz, Slattery, Sloan, Swanson, Tietze, Trimmer, Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2067** is not the voter protection act that Kansans want or need. It introduces the concept of "provisional" registration. At best, provisional registration will be difficult for voters to understand. At worst, it will bring a virtual end to grassroots voter registration in Kansas. The bill makes requirements for voter identification at the polls with no provision for free identification for all Kansans who need one. In essence, it has a poll tax. Further, there is no mention of voter education and no accounting for the millions it will cost to implement. Voter education was a key requirement of the courts approving voter identification in other states. Voter legislation should make it easy to vote and hard to cheat. This bill does neither. I vote no on **HB 2067**.--ANN E. MAH, TOM BURROUGHS, STAN FROWNFEELTER, JANICE L. PAULS, BILL FEUERBORN, ANNIE TIETZE, ED TRIMMER, VALDENIA C. WINN, MELANIE MEIER, BARBARA W. BALLARD, EBER PHELPS, SYDNEY CARLIN, SEAN GATEWOOD, MELODY MCCRAY-MILLER, BOB GRANT, GAIL FINNEY

Sub. HB 2069, AN ACT enacting the Kansas adverse medical outcome transparency act; concerning evidence in civil actions; expression of apology, sympathy, compassion or benevolent acts by health care providers or health care administrators not admissible as evidence of an admission of liability or as evidence of an admission against interest, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Kuether.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

HB 2075, AN ACT concerning the insurance department's criminal anti-fraud division; extending the exception from disclosure of records under the open records act; repealing K.S.A. 2010 Supp. 40-2,118, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2076, AN ACT concerning insurance; relating to municipal pools; amending K.S.A. 12-2620 and K.S.A. 2010 Supp. 12-2618 and repealing the existing sections, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy,

Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2077, AN ACT concerning worker's compensation; relating to group-funded pool filings to the insurance commissioner; amending K.S.A. 2010 Supp. 44-584 and repealing the existing section, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2080, AN ACT concerning elections; . relating to certain municipalities; amending K.S.A. 2-623, 2-624, 19-3505, 19-3507, 24-412, 25-1115, 25-2006, 25-2007, 25-2010, 25-2018, 25-2023, 25-2102, 25-2109, 25-2118, 25-2120, 25-2311, 25-2502, 25-3503, 71-1413 and 71-1414 and K.S.A. 2010 Supp. 24-459, 24-506, 25-1122, 25-2108a and 42-706 and repealing the existing sections; also repealing K.S.A. 12-1001, 12-1002, 12-1003, 12-1004, 12-1005, 12-1005a, 12-1005b, 12-1005c, 12-1005d, 12-1005e, 12-1005f, 12-1005g, 12-1005h, 12-1005j, 12-1005k, 12-1005l, 12-1006, 12-1007, 12-1008, 12-1009, 12-1010, 12-1011, 12-1012, 12-1013, 12-1014, 12-1015, 12-1017, 12-1018, 12-1019, 12-1020, 12-1021, 12-1022, 12-1023, 12-1024, 12-1025, 12-

1027, 12-1028, 12-1028a, 12-1029, 12-1030, 12-1031, 12-1032, 12-1033, 12-1034, 12-1035, 12-1036, 12-1036a, 12-1036b, 12-1036c, 12-1036d, 12-1036e, 12-1036f, 12-1036g, 12-1036h, 12-1037, 12-1038 and 25-2107 and K.S.A. 2010 Supp. 14-201, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Brown, Brunk, Calloway, Carlson, Cassidy, Collins, Crum, DeGraaf, Denning, Donohoe, Fawcett, Garber, Goico, Gordon, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Montgomery, Mosier, O'Brien, O'Hara, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Suellentrop, Swanson, Vickrey, Weber, B. Wolf.

Nays: Ballard, Bollier, Bowers, Brookens, Bruchman, Burgess, Burroughs, Carlin, Colloton, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gonzalez, Goodman, Grange, Grant, Henderson, Henry, Hill, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, Mesa, Moxley, Otto, Pauls, Phelps, Proehl, Roth, Ruiz, Schroeder, Slattery, Sloan, Smith, Spalding, Tietze, Trimmer, Tyson, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: When the November 2012 election takes place, and long lines at the polls make voters angry, or the local governments must purchase more voting machines, the voters of Kansas will have no reason to call me. I vote no on **HB 2080**.--BILL OTTO

HB 2101, AN ACT concerning the courts; relating to the court of appeals; appointment of judges; amending K.S.A. 20-3006 and 20-3010 and K.S.A. 2010 Supp. 20-3002 and repealing the existing sections; also repealing K.S.A. 20-3004, 20-3005, 20-3007, 20-3008 and 20-3009, was considered on final action.

On roll call, the vote was: Yeas 66; Nays 53; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Alford, Ballard, Bollier, Bowers, Brookens, Burroughs, Carlin, Carlson, Colloton, Davis, Dillmore, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Gordon, Grant, Henderson, Henry, Hill, Hineman, Johnson, Kelly, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schroeder, Shultz, Slattery, Sloan, Spalding, Swanson,

Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore, Worley.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2105, AN ACT concerning children in need of care; relating to removal of a child from parent's custody; amending K.S.A. 2010 Supp. 38-2255 and repealing the existing section; also repealing K.S.A. 2010 Supp. 38-2255a, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2120, AN ACT establishing the Kansas streamlining government commission; providing for an independent review of state agencies of the executive branch of state government; prescribing powers, duties and functions for the commission and certain other agencies; amending K.S.A. 2010 Supp. 75-2973 and 75-4319 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 79; Nays 40; Present but not voting: 0; Absent or not voting: 6.

Yeas: Arpke, Aurand, Billinger, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Mast, McLeland, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, Williams, B. Wolf, Worley.

Nays: Alford, Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Kuether, Landwehr, Lane, Loganbill, Mah, McCray-Miller, Meier, Meigs, O'Hara, Otto, Pauls, Phelps, Roth, Ruiz, Schwab, Slattery, Tietze, Trimmer,

Victors, Ward, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2128, AN ACT concerning elections; relating to public service advertisements by candidates, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

Sub. HB 2135, AN ACT concerning certain employees; relating to misclassification of employees to avoid tax withholding, contributions and reporting requirements; amending K.S.A. 2010 Supp. 44-703, 44-766 and 79-3234 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 85; Nays 34; Present but not voting: 0; Absent or not voting: 6.

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

Nays: Ballard, Bollier, Burroughs, Carlin, Davis, Dillmore, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Moxley, Pauls, Phelps, Ruiz, Schwab, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.
The substitute bill passed.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote “no” on **HB 2135** because I believe we should not encourage businesses to hire illegal workers. The State of Kansas should not make it easier for criminals to break our laws, even if those criminals are businesses. Passing **HB 2135** will make it harder to prosecute our laws and will cost our state millions of dollars over the next few years. White collar crimes are still crimes, and I believe in the rule of law. Therefore I vote no.--MIKE SLATTERY, SEAN GATEWOOD, ANNIE KUETHER, JUDITH LOGANBILL, KATHY WOLFE MOORE, GAIL FINNEY, ANN E. MAH, SYDNEY CARLIN, MELODY MCCRAY-MILLER, VALDENIA C. WINN, GERALDINE FLAHARTY, ED TRIMMER, STAN FROWNFEILER, BOB GRANT, JERRY WILLIAMS, EBER PHELPS, BARBARA W. BALLARD, MELANIE MEIER, BRODERICK HENDERSON, HAROLD LANE, NILE DILLMORE, ANNIE TIETZE, BILL FEUERBORN, PAUL DAVIS

MR. SPEAKER: **HB 2135** protects private information by limiting the data shared between the Department of Revenue and the Department of Labor. This information is currently not protected in law. This legislation defines misclassification by mirroring federal law and increases fines for multiple offenses. I vote yes on **HB 2135**.--ANTHONY R. BROWN, BRETT HILDABRAND, CARYN TYSON, JOHN RUBIN, JANA GOODMAN, RANDY GARBER, CONNIE O'BRIEN, MARIO GOICO, RICK BILLINGER, TERRY CALLOWAY, REYNALDO MESA, WILLIE PRESCOTT, GREG SMITH, MIKE BURGESS, BRIAN WEBER, JOE SEIWERT, OWEN DONOHUE, PEGGY MAST, CHARLOTTE O'HARA, J. DAVID CRUM, KASHA KELLEY, TERRILOIS GREGORY

HB 2147, AN ACT concerning adult care homes, relating to the definition of a home plus residence or facility; amending K.S.A. 2010 Supp. 39-923 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 111; Nays 8; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleebe, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, B. Wolf, Wolfe Moore, Worley.

Nays: Carlin, Davis, Dillmore, Feuerborn, McCray-Miller, Ruiz, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

Sub. HB 2188, AN ACT concerning legislative bills; relating to fiscal notes and resolutions; amending K.S.A. 75-3715a and repealing the existing section, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

Sub. HB 2191, AN ACT concerning school districts; relating to teachers; amending K.S.A. 2010 Supp. 72-5445 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Grange, Gregory, Grosserode, Hayzlett, Hedke, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kinzer, Kleeb, Knox, Landwehr, Mast, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Neal, Osterman, Otto, Patton, Peck, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Brown, Burroughs, Carlin, Davis, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grant, Henderson, Henry, Kerschen, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, O'Hara, Pauls, Phelps, Ruiz, Slattery, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed.

EXPLANATION OF VOTE

MR. SPEAKER: I vote No on **Sub. HB 2191** because our priority should be for quality education for the students, not job protection for the teacher. – GERALDINE FLAHARTY, HAROLD LANE

HB 2196, AN ACT concerning rules of evidence; relating to the civil commitment of sexually violent predators; amending K.S.A. 59-29a06 and repealing the existing section, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

HB 2258, AN ACT authorizing the secretary of social and rehabilitation services to convey certain real estate to the evangelical lutheran good samaritan society in Ellsworth county, Kansas, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2282, AN ACT concerning lodging inspections; relating to lodging inspection fees; amending K.S.A. 2010 Supp. 36-502, 36-518 and 74-591 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 36-512, was considered on final action.

On roll call, the vote was: Yeas 84; Nays 35; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Ballard, Billinger, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlson, Cassidy, Collins, Colloton, Crum, DeGraaf, Denning, Donohoe, Fawcett, Finney, Flaharty, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Johnson, Kelly, Kerschen, Kleeb, Knox, Lane, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Powell, Prescott, Proehl, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Smith, Spalding, Suellentrop, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Bollier, Brown, Carlin, Davis, Dillmore, Feuerborn, Frownfelter, Garber, D. Gatewood, S. Gatewood, Grosserode, Hildabrand, Huebert, Kelley, Kinzer, Kuether, Landwehr, Loganbill, Mah, Mast, McLeland, Meigs, Peck, Phelps, Pottorff, Rhoades, Roth, Ruiz, Schwab, Seiwert, Slattery, Swanson, Tietze, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: Having worked in the food and lodging industry for over 30 years. I understand the importance of **HB 2282**. The Department of Agriculture has requested an inspection fee increase for the protection and safety of Kansans.

However, just a few days ago the Kansas Highway patrol came before this body to request an inspection fee increase for the protection and safety of Kansans. That request was denied.

The Patrol, as one of our Public Safety agencies, is asked to do extraordinary things from disturbances in the Capitol to working in adverse weather conditions.

As a matter of principle, Mr. Speaker, I reluctantly vote no on **HB 2282**. – VERN SWANSON

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Siegfried, pursuant to House Rule 2311, **HB 2195**, **HB 2240**, **HB 2194**, **HB 2312**; **Sub. HB 2271**; **HB 2139**, **HB 2125**; **SCR 1605** were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

HB 2195, AN ACT concerning municipalities; establishing the organized collection service act, 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: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Dillmore, Pottorff, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2240, AN ACT concerning cemetery corporations; relating to cemetery merchandise trust contracts; relating to the permanent maintenance fund; amending K.S.A. 16-320, 16-321, 16-322, 16-323, 16-325, 16-328, 16-329, 16-331, 16-332, 16-333, 16-334, 17-1311, 17-1311a, 17-1312, 17-1312a, 17-1312d, 17-1312e, 17-1312g and 17-1366 and repealing the existing sections; also repealing K.S.A. 16-324, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: S. Gatewood, Kelley, Meier, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2194, AN ACT creating the Kansas advisory council on privatization and public-private partnerships, was considered on final action.

On roll call, the vote was: Yeas 68; Nays 51; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Aurand, Billinger, Boman, Bowers, Brown, Bruchman, Brunk, Burgess, Calloway, Carlson, Collins, Colloton, Crum, DeGraaf, Fawcett, Garber, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Hedke, Hermanson, Hildabrand, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kinzer, Kleeb, Knox, Mah, Mast, McLeland, Meigs, Mesa, Montgomery, O'Brien, O'Neal, Osterman, Patton, Peck, Powell, Prescott, Rhoades, Rubin, Ryckman, Scapa, Schroeder, Schwartz, Seiwert, Shultz, Siegfried, Smith, Spalding, Suellentrop, Swanson, Tyson, Vickrey, Weber, B. Wolf, Worley.

Nays: Ballard, Bollier, Brookens, Burroughs, Carlin, Cassidy, Davis, Denning, Dillmore, Donohoe, Feuerborn, Finney, Flaharty, Frownfelter, D. Gatewood, S. Gatewood, Grange, Grant, Grosserode, Henderson, Henry, Hill, Hineman, Kelly, Kerschen, Kuether, Landwehr, Lane, Loganbill, McCray-Miller, Meier, Mosier, Moxley, O'Hara, Otto, Pauls, Phelps, Pottorff, Proehl, Roth, Ruiz, Schwab, Slattery, Sloan, Tietze, Trimmer, Victors, Ward, Williams, Winn, Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: **HB 2194** is not on the Governor's road map, so, Mr. Speaker, I am a No on creating another commission.-- BILL OTTO

HB 2312, AN ACT concerning regulated scrap metal; relating to licensure for scrap metal dealers; unlawful acts; criminal penalties; amending K.S.A. 2010 Supp. 50-6,109 and 50-6,111 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 65; Nays 54; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Bollier, Bowers, Brookens, Burgess, Collins, Colloton, Crum, Davis, DeGraaf, Fawcett, Flaharty, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Meier, Moxley, O'Brien, O'Neal, Osterman, Patton, Pauls, Pottorff, Powell, Prescott, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Sloan, Smith, Spalding, Swanson, Tietze, Vickrey, Victors, Winn, B. Wolf, Worley.

Nays: Alford, Arpke, Aurand, Billinger, Boman, Brown, Bruchman, Brunk, Burroughs, Calloway, Carlin, Carlson, Cassidy, Denning, Dillmore, Donohoe, Feuerborn, Finney, Frownfelter, Garber, D. Gatewood, Grange, Grant, Grosserode, Hedke, Hildabrand, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McCray-Miller, McLeland, Meigs, Mesa, Montgomery, Mosier, O'Hara, Otto, Peck, Phelps, Proehl, Rhoades, Rubin, Scapa, Slattery, Suellentrop, Trimmer, Tyson, Ward, Weber, Williams,

Wolfe Moore.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: We oppose **HB 2312**. This bill does nothing to address the underlying theft and vandalism which is the real problem. What **HB 2312** does is restrict law abiding citizens in their pursuit to recapture some funds from their scrap material. The criminal will find ways around this regulation, while the law abiding citizen is once again stuck with the added burden added by the criminal's activities. Every gun advocate in the body who says gun laws only punish law abiding gun owners needs to consider the parallels to this situation. This is neither limited government nor less restrictive regulation. – AMANDA GROSSERODE, BRENDA K. LANDWEHR, BOB MONTGOMERY, DENNIS HEDKE, J. STEPHEN ALFORD, CHARLOTTE O'HARA, BRETT HILDABRAND, TOM ARPKE, JIM DENNING, KELLY MEIGS, JOHN RUBIN

MR. SPEAKER: This bill is well intentioned, and is close to being a good bill. But it is not a good bill. This will retroactively close existing businesses. I vote no on **HB 2312**. – BRIAN WEBER

Sub. HB 2271, AN ACT concerning agriculture; relating to plant pest inspection and control; amending K.S.A. 2010 Supp. 2-2113, 2-2115, 2-2116, 2-2117, 2-2118, 2-2120, 2-2122, 2-2123, 2-2124, 2-2125, 2-2126, 2-2128 and 2-2129 and repealing the existing sections, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Landwehr.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The substitute bill passed, as amended.

HB 2139, AN ACT concerning insurance; relating to rates and rate modifications for workers compensation insurance; amending K.S.A. 40-2109 and K.S.A. 2010 Supp. 40-955 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Brown, S. Gatewood, Kinzer, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed, as amended.

HB 2125, AN ACT concerning the Kansas professional regulated sports act; pertaining to violations; pertaining to civil penalties; pertaining to fees; pertaining to rules and regulations; amending K.S.A. 2010 Supp. 74-50,181, 74-50,182, 74-50,185, 74-50,186, 74-50,187, 74-50,189, 74-50,193 and 74-50,194 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 97; Nays 22; Present but not voting: 0; Absent or not voting: 6.

Yeas: Alford, Arpke, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Cassidy, Collins, Colloton, Crum, Davis, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Hayzlett, Henderson, Henry, Hermanson, Hill, Hineman, C. Holmes, M. Holmes, Johnson, Kelly, Kerschen, Kleeb, Knox, Kuether, Lane, Loganbill, Mah, McCray-Miller, Meier, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Ruiz, Ryckman, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Vickrey, Victors, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: Aurand, Brown, Carlson, DeGraaf, Grosserode, Hedke, Hildabrand, Hoffman, Howell, Huebert, Kelley, Kinzer, Landwehr, Mast, McLeland, Meigs, Patton, Rubin, Scapa, Smith, Tyson, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The bill passed.

SCR 1605, urging the United States Congress to fund the construction of the National Bio and Agro-defense Facility (NBAF) and the Department of Homeland Security to advance the sale of Plum Island Animal Disease Center, 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: Alford, Arpke, Aurand, Ballard, Billinger, Bollier, Boman, Bowers, Brookens, Brown, Bruchman, Brunk, Burgess, Burroughs, Calloway, Carlin, Carlson, Cassidy, Collins, Colloton, Crum, Davis, DeGraaf, Denning, Dillmore, Donohoe, Fawcett, Feuerborn, Finney, Flaharty, Frownfelter, Garber, D. Gatewood, S. Gatewood, Goico, Gonzalez, Goodman, Gordon, Grange, Grant, Gregory, Grosserode, Hayzlett, Hedke, Henderson, Henry, Hermanson, Hildabrand, Hill, Hineman, Hoffman, C. Holmes, M. Holmes, Howell, Huebert, Johnson, Kelley, Kelly, Kerschen, Kinzer, Kleeb, Knox, Kuether, Landwehr, Lane, Loganbill, Mah, Mast, McCray-Miller, McLeland, Meier, Meigs, Mesa, Montgomery, Mosier, Moxley, O'Brien, O'Hara, O'Neal, Osterman, Otto, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Prescott, Proehl, Rhoades, Roth, Rubin, Ruiz, Ryckman, Scapa, Schroeder, Schwab, Schwartz, Seiwert, Shultz, Siegfried, Slattery, Sloan, Smith, Spalding, Suellentrop, Swanson, Tietze, Trimmer, Tyson, Vickrey, Victors, Ward, Weber, Williams, Winn, B. Wolf, Wolfe Moore, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Bethell, Fund, Kiegerl, Peterson, Wetta, K. Wolf.

The resolution was adopted.

MESSAGES FROM THE SENATE

Announcing adoption of **HCR 5021**.

Also, announcing passage of **SB 10, SB 112, SB 116, SB 124, SB 136, SB 177, SB 198**.

Also, announcing passage of **SB 1; Sub. SB 50; SB 212**.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills were thereupon read by title:

SB 1, SB 10; Sub. SB 50; SB 112, SB 116, SB 124, SB 136, SB 177, SB 198, SB 212.

REPORT OF STANDING COMMITTEE

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

Request No. 39, by Representative Mast, congratulating Timothy Duane Weaver on being awarded the Eagle Scout Award;

Request No. 40, by Representative Mast, congratulating Gabriel Ian Shaver on being awarded the Eagle Scout Award;

Request No. 41, by Representative Mast, congratulating Madison High School Football team on winning the 2010 1A State Football Championship;

Request No. 42, by Representative Rhoades, recognizing the Kansas Kidney Coalition for their contributions and recognizing March as National Kidney Month;

Request No. 43, by Representative Ballard, congratulating Bruce and Chris Linton

on their 65th wedding anniversary;

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

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

REPORT ON ENGROSSED BILLS

HB 2034, HB 2101, HB 2105, HB 2120, HB 2128, HB 2201, HB 2258, HB 2282 reported correctly engrossed February 25, 2011.

On motion of Rep. Siegfroid, the House adjourned until 11:00 a.m., Wednesday, March 2, 2011.

CHARLENE SWANSON, *Journal Clerk.*

SUSAN W. KANNARR, *Chief Clerk.*

